

**Ordinance #01-2024**

**BOROUGH OF ARCHBALD**

**SUBDIVISION AND LAND**

**DEVELOPMENT**

**ORDINANCE**

# SUBDIVISION AND LAND DEVELOPMENT ORDINANCE - BOROUGH OF ARCHBALD

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ORDINANCE NO. 01-2024

AN ORDINANCE regulating the subdivision and the development of land in the Borough of Archbald, Lackawanna County, Pennsylvania, providing for the preparation and presentation of preliminary and final applications, establishing minimum subdivision and development design standards; requiring certain improvements to be guaranteed to be made by the subdivider; regulating sale of lots, erection of buildings, laying out, construction, opening and dedication of streets, sewers, other facilities, and public improvements in connection with subdivisions and land developments; charging of review fees, and prescribing penalties *in Section 108*.

Pursuant to the provisions, authority and procedures of the Pennsylvania Municipalities Planning Code ("MPC"), as amended, the Borough of Archbald, Lackawanna County, Pennsylvania, ordains as follows:

ARTICLE 1  
GENERAL PROVISIONS, ADMINISTRATION AND DEFINITIONS

100 SHORT TITLE. This Ordinance shall be known as the Archbald Borough Subdivision and Land Development Ordinance of 2024.

101 PURPOSE.

This Ordinance has been adopted in order to regulate the subdivision and development of land and buildings to create conditions favorable to the health, safety and general welfare of the citizens of the Borough of Archbald, to ensure the harmonious development of the community and to protect public health and safety. This Ordinance is also intended to carry out the Archbald Borough Comprehensive Plan of 2023.

102. APPLICABILITY AND AUTHORITY

- a. The Borough of Archbald, Lackawanna County, Pennsylvania, under authority granted by MPC, hereby adopts the following regulations governing the subdivision and development of land within the Borough.
- b. The Borough Council of the Borough of Archbald hereby, through the adoption of this Ordinance, delegates specific authority granted to it under Section 501 of the MPC to the Planning Commission of the Borough of Archbald as provided in this Ordinance, including to approve subdivisions and land developments; provided, that all other authority under this Ordinance is retained by the Borough Council.
- c. No subdivision or land development of any lot, tract or parcel of land shall be made, and no street, sanitary sewer, storm sewer, water main or other improvements in connection therewith shall be laid out, constructed, opened or dedicated for public use or travel, or for the common use of occupants of buildings abutting thereon, except in accordance with the provisions of this Ordinance.
- d. No lot in a subdivision may be sold, no permit to erect, alter or repair any building upon land in a subdivision or a land development may be issued, and no building may be erected in a subdivision or a land development, unless and until a plan of such subdivision or land development shall have been approved and properly recorded, and until the improvements required herein in connection therewith have been constructed or guaranteed as hereinafter provided.
- e. No person or entity proposing to make, or have made, a subdivision or land development within the Borough shall proceed with any grading before obtaining from the Planning Commission as required herein the approval of the Preliminary Application for the proposed development, and no deeds shall be recorded for lots in any development, before obtaining from the Planning Commission as required herein the approval of the Final Application for the proposed subdivision or land development, except as otherwise provided herein.
  1. A plan also may need to be submitted under the Borough Stormwater Management Ordinance (SWMO) or the Zoning Ordinance. As of 2024, for example, Section 1403.A. of the Zoning Ordinance requires a zoning permit for site alterations, including the grading

of more than ½ acre of land. That section also requires a zoning permit for the creation of a parking lot or vehicle driveway. The SWMO requires a plan if there is an increase of impervious coverages over a certain amount.

- f. No land in the Borough shall be subdivided or otherwise developed if such land is considered by the Planning Commission to be unsuitable for development by reason of flooding or improper drainage, objectionable earth and rock formation, topography, or any other feature harmful to the health and safety of residents and the community as a whole; and, provided further that no land shall be subdivided or otherwise developed by the subdivider or the developer unless adequate access to the land over adequate streets or thoroughfares exists or will be provided by the subdivider or the developer, or otherwise developed.
- g. The proposed subdivision or land development shall conform with the standards set forth in this Ordinance and shall comply with the Borough Zoning Ordinance.

### 103 SCOPE AND JURISDICTION.

The provisions contained herein shall apply to all land within the Borough limits of the Borough of Archbald.

### 104 EFFECT OF FILING AN APPLICATION

- a. Effects of Ordinance Amendments. See Section 508 of the MPC concerning rights for an official SALDO application, an approved plan or a partly completed development concerning later changes to Borough development regulations. The following includes excerpts of such provisions. From the time an application for approval of a plan, whether preliminary or final, is duly filed, and while such application is pending approval or disapproval, no change or amendment of the zoning, subdivision or other governing ordinance or plan shall affect the decision on such application adversely to the applicant, and the applicant shall be entitled to a decision in accordance with the provisions of the governing ordinances or plans as they stood at the time the application was duly filed. However, if an application is properly and finally denied, any subsequent application shall be subject to the intervening change in governing regulations.
  - 1. "Duly filed" shall mean an application that is properly filed in a complete manner, including all required submission materials and all required fees being paid at the time of submittal. *See Sections 203.d.1., 204.d.1 and 205.c.6 as applicable, which address a determination of whether the submission is complete for each type of plan.*
- b. When an application for approval of a plan, whether preliminary or final, has been approved or approved without condition or approved by the applicant's acceptance of conditions, no subsequent change or amendment in the zoning, subdivision or other governing ordinance or plan shall be applied to affect adversely the right of the applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within five (5) years from such approval.
- c. Where final approval is preceded by preliminary approval, the aforesaid five-year period shall be counted from the date of the preliminary approval. In the case of any doubt as to the terms of a preliminary approval, the terms shall be construed in the light of the provisions of the governing ordinances or plans as they stood at the time when the application for such approval was duly filed.

- d. Where the landowner has substantially completed the required improvements as depicted upon the final plan within the aforesaid five-year limit, or any extension thereof as may be granted by the Borough Council, no change of a Borough Ordinance or plan enacted subsequent to the date of filing of the preliminary application shall modify or revoke any aspect of the approved final plan pertaining to zoning classification or density, lot, building, street or utility location.
- e. *In the case of a preliminary plat calling for the installation of improvements beyond the five-year period, a schedule shall be filed by the landowner with the preliminary plan delineating all proposed sections as well as deadlines within which applications for final plat approval of each section are intended to be filed. Such schedule shall be updated annually by the applicant on or before the anniversary of the preliminary plan approval, until final plan approval of the final section has been granted and any modification in the aforesaid schedule shall be subject to approval of the Borough Council in its discretion.*
- f. *Where subsections d. or e. above do not apply, and the applicant has not constructed substantial required improvements within the aforesaid five-year period, and where there have been significant changes in Borough development regulations since the approval, then the Borough Council may require that a subdivision or land development be re-submitted to prove full compliance with current Borough ordinances, or else the subdivision or land development approval shall be deemed to be void.*

## 105 APPLICATION OF REGULATIONS

### a. Subdivision Control

No subdivision or land development, as herein defined, of any lot, tract or parcel of land shall be made, and no street, alley, sanitary sewer, storm sewer, water main or other facilities in connection therewith, shall be laid out, constructed, opened or dedicated for public use or travel, or for the common use of occupants of buildings abutting or to abut thereon, except in strict accordance with the provisions of this Ordinance. No lot in any subdivision may be sold, and no permit to erect, alter or repair any building upon land in a subdivision may be issued; and no building may be erected in a subdivision, unless and until a subdivision plan has been approved by the Borough and recorded by the applicant; and until the improvements required by the Borough Council in connection therewith have either been constructed or guaranteed as herein provided in this Ordinance.

### b. Land Developments; Zoning Compliance

1. Land development, as herein defined, must comply with all of the regulations contained herein for major subdivisions unless specifically provided otherwise by this Ordinance. Such compliance shall include, but not be limited to: the filing of preliminary (where applicable) and final applications, the dedication and improvement of rights-of-way, streets and roads, and the payment of fees and charges as established by the Borough Council.
2. Land development plans shall indicate the location of each structure and clearly define each unit and shall indicate public easements, common areas, and improvements, all easements appurtenant to each unit, and improvements to public rights-of-way. Subdivisions and land developments shall comply with the Zoning Ordinance, including but not limited to use and

density requirements, setbacks, parking and other features. The major applicable zoning requirements shall be listed on the plans.

3. If any land development is modified or expanded in any substantive way following approval of the Final Application, a new revised application shall be filed with the Borough. Such new application shall identify the proposed modification and/or expansion and shall include all relevant data required for a Final Application. However, minor technical adjustments may occur between a land development approval and the issuance of Borough permits, provided those deviations do not affect the substance of the land development approval. An example of a substantive change would be a change in housing types, an increase in the number of housing units, or a relocation of a street. An example of a technical adjustment would be a minor change in a curblin or a tree location that is determined to be acceptable by the Borough Engineer.

## 106 DEFINITIONS AND WORD USAGE.

- a. Inclusions. As used in this Ordinance, words in the singular include the plural and those in the plural include the singular. The word "person" includes a corporation, unincorporated association and a partnership, as well as an individual. The word "building" shall be construed as if followed by the phrase "or part thereof". The word "street" includes avenue, boulevard, court, expressway, highway, arterial, and road. The word "watercourse" includes channel, creek, river, spring, and stream. The word "may" and "should" are recommendations but not ordinance requirements. The words "shall", "must" and "will" mean the wording is a mandatory requirement. *"Days" shall mean calendar days, unless otherwise stated.*
- b. Definitions of Terms. If a term is not defined in this Ordinance, but is defined in the Zoning Ordinance, then the Zoning Ordinance definition shall apply to this Ordinance. If a term is not defined in this Ordinance and is not defined in the Zoning Ordinance, but is defined in the Borough Stormwater Management Ordinance (SWM), then the definition in the SWM shall apply to this Ordinance. As used in this Ordinance, the following terms shall have the following meanings, within the context of the provisions:
  1. Agricultural Use: The principal use of land for the production of food and/or plant products for use off the property of the principal use.
  2. Application, Final: A complete set of plans and other documents, together with the required fees, that meets the requirements for a Final Plan application under this Ordinance.
  3. Application, Preliminary: A complete set of plans, drawings and other documents, including fees, meeting the requirements of this Ordinance for a Preliminary Plan.
  4. Alley: A minor right-of-way providing secondary vehicular access to the side or rear of two or more properties.
  5. Block: An area bounded by streets, railroads, public facilities, or other rights-of-way or easements, or other definite barriers.
  6. Borough Engineer: Shall mean the Borough Engineer or other qualified person designated by the Borough Council to perform all administrative and/or supervisory duties required of the Borough Engineer by the provisions of this Ordinance. *If the Borough Engineer may*



*have a conflict of interest with a Developer/Applicant, then the reviews for a particular application shall be conducted by a Conflict (back-up) Township Engineer. If both Engineers have a conflict of interest, then a second Conflict Township Engineer shall be appointed to handle a particular application.*

7. Building Envelope: The land area shown on a subdivision or land development plan that shows the areas allowed to be used for the location of a building after the deletion of setbacks and other building location limitations.
8. Building Line: A line parallel to the front, side, or rear lot line set so as to provide the required yard.
9. Caliper/Tree Trunk Diameter: The diameter of the main trunk of a tree. For the purposes of this Ordinance, caliper measurement shall be taken at a point on the trunk 4.5 feet above the natural ground level.
10. Cartway: The paved portion of a street right-of-way intended for vehicle use, including any paved on-street parking spaces and any paved shoulders.
11. Clear Sight Triangle: An area of unobstructed vision at street intersections defined by lines of sight between points at a given distance from the intersection of street right-of-way lines.
12. Commission: The Archbald Borough Planning Commission.
13. Cul-de-Sac: A local street intersecting another street at one end and terminated at the other by a vehicular turnaround.
14. Cut: An excavation. The difference between a point on the original ground and a designated point of lower elevation on the final grade. Also, the material removed in excavation.
15. Dedication: The deliberate appropriation of land by its owner for any general and public uses, reserving to himself no rights other than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted.
16. DEP: The Pennsylvania Department of Environmental Protection.
17. Developer: any landowner, agent of such landowner, or tenant with the permission of such land-owner, who makes or causes to be made a subdivision of land or a land development.
18. Driveway: A private vehicular passageway providing access between a street and a private parking area or private garage.
19. Easement: A right granted to use certain land area for a special purpose consistent with the general property rights of the owner, or that establishes restrictions upon the use of a certain land area, such as a stormwater easement.
20. Engineer: A registered Professional Engineer, authorized to practice engineering in

Pennsylvania as provided under State law.

21. Erosion: The removal of surface materials by the action of natural elements.
22. Excavation: Any act by which earth, sand, gravel, rock or any other similar material is dug into, cut, quarried, uncovered, removed, displaced, relocated or bulldozed and shall include the conditions resulting therefrom.
23. Excessive Slope: Areas with a slope of 20% or more which are deemed by the Borough as unsuitable for development, and thereby deducted from the gross site area for purposes of calculating residential densities.
24. Fill: Any act by which earth, sand, gravel, rock or any other material is placed, pushed, dumped, pulled, transported or moved to a new location above the natural surface of the ground or on top of an excavated surface, and shall include the conditions resulting therefrom. The difference in elevation between a point on the original ground and a designated point of higher elevation on the final grade. The material used to make a fill.
25. Fire Chief: The Fire Chief of Archbald Borough.
26. Half or Partial Street: A street, generally parallel and adjacent to a property line, having a lesser right-of-way width than normally required for satisfactory improvement and use of the street.
27. Highway Classification Map: A map maintained by the Lackawanna County Regional Planning Commission that serves to categorize arterial and collector streets. All other existing streets shall be considered local streets.
28. Improvement to a Lot: *For the purposes of determining if an application is a "Land Development," this term shall include, but not be limited to the following: The construction of buildings or additions, installation of paving or stone parking surfaces, grading or earth disturbance in preparation for development, addition of truck parking areas, excavating or filling of land, and/or removal of woodlands. The addition of a sign, fence, curbs, sidewalks, landscaping or a communications tower shall not by itself require land development approval.*
29. Interior Walk: A right-of-way for pedestrian use extending from a street into a block or across a block to another street.
30. Land Development: Any of the following activities:
  - a) the improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving (a) a group of two or more residential or non-residential buildings, whether proposed initially or cumulatively, or a single non-residential building on a lot or lots regardless of the number of occupants or tenure, or (b) the division or allocation of land or space whether initially or cumulatively between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features; or

- b) a subdivision of land;
  - c) provided, however, that the following activities shall not by themselves need approval as a “land development”:
- (1) the conversion of an existing single-family detached dwelling or single family semi-detached dwelling into not more than three residential units, unless such units are intended to be a condominium; provided however, that the new dwelling units shall still be required to pay the recreation fees under this Ordinance; or
  - (2) the addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building.

If a lot includes one or more existing non-residential buildings, then the following are examples of proposed improvements that shall require land development approval under this Ordinance as an “improvement” if the activities together involve more than ½ acre of land: grading, addition of impervious surfaces, addition of stone parking areas, addition of truck parking areas, building additions, excavating or filling of land, or removal of woodlands. The addition of a sign or communications tower shall not by itself require land development approval.

Note – Whether or not a project meets the definition of a Land Development, a plan also may need to be submitted under the Borough Stormwater Management Ordinance (SWMO) or the Zoning Ordinance. As of 2024, for example, Section 1403.A. of the Zoning Ordinance requires a zoning permit for site alterations, including the grading of more than ½ acre of land. That section also requires a zoning permit for the creation of a parking lot or vehicle driveway. The SWMO requires a plan if there is an increase of impervious coverages over a certain amount.

*A “Minor Land Development” is a “Land Development” that meets the standards of Section 203.b. for such term.*

- 31. LCRPC: Lackawanna County Regional Planning Commission.
- 32. Level of Service: As described in the Highway Capacity Manual, Special Report 209 (Washington, D.C.: Transportation Research Board, National Research Council, 1985, as may be amended), the quality of traffic movement on a particular street or through a particular intersection.
- 33. Lot: A plot or parcel of land which is, or in the future may be, offered for sale, conveyance, transfer, or improvement.
- 34. Lot, Double Frontage/Through Lot: A lot, the opposite ends of which abut on streets.
- 35. Lot, Reverse Frontage: A lot between an arterial street and a *local* street with vehicular access only from the local street.
- 36. Major Intersection: Any intersection of one (1) or more collector or arterial streets.
- 37. Mediation: A voluntary negotiating process in which parties in a dispute mutually select a neutral mediator to assist them in jointly exploring and settling their differences, culminating in a written agreement which the parties themselves create and consider acceptable.

38. MPC: The Pennsylvania ities Planning Code, as amended.
39. Net Area: The area of a parcel of land exclusive of streets or other public rights-of-way.
40. Official Filing Date. For the purpose of these regulations, the official filing date shall be the date of the regular meeting of the Planning Commission next following the date the properly completed application and plans are received in the Municipal Building. Provided that should said regular meeting occur more than thirty (30) days following the submission of the application, the official filing date shall be the thirtieth day following the day the application has been submitted.
41. Open Space
- a) Open Space, Common: See the definition in the Zoning Ordinance.
  - b) Open Space, Developed (Active): Land that is set aside for use as active recreational areas, such as playfields, playgrounds, skating rinks, swimming pools, tennis courts, and areas for water management (storm, waste, potable supply).
  - c) Open Space, Undeveloped (Passive): Land used for passive recreation, agriculture, resource protection, amenity, or buffers and protected from future development by the provisions of this Ordinance to ensure that it remains as open space.
39. Parcel: A parcel shall be any piece of land, including all adjacent pieces of land held in single and separate ownership by the same owner(s) regardless of the fact that such ownership may be described in separate deeds.
40. Pavement: The portion of a street intended for vehicular use, including the cartway, but not the shoulders.
41. Peak Hour Traffic: The highest number of vehicles found or expected to be found during the a.m. or p.m. hours, passing over a section of street in sixty (60) consecutive minutes.
42. PennDOT: The Pennsylvania Department of Transportation.
43. Person: Any individual or group of individuals, partnership, co-partnership, or corporation.
44. Plan, Final: A complete set of subdivision or land development plans that meets the requirements for a Final Plan under this Ordinance.
45. Plan, Preliminary: A complete set of subdivision or land development plans that meets the requirements for a Preliminary Plan under this Ordinance.
46. Plan, Sketch: An informal conceptual plan indicating salient existing features of a tract and its surroundings and the general layout of the proposed development.
47. Professional Consultants: Persons who provide expert or professional advice, including, but not limited to architects, attorneys, engineers, geologists, land surveyors, landscape

architects, or community planners.

48. Public Transportation: Transportation service for the general public provided by a public transit agency or their contractor, generally on a regular route basis or by pre-scheduled flexible routing.
49. Receipt of Applications. The official receipt of date of an application under this Ordinance by the Borough Staff. The official receipt date may affect whether an application will be heard by the Planning Commission at the next meeting and may affect the deadline for action under the MPC. Incomplete applications shall not be considered as officially accepted for the purposes of the time limits in the MPC.
50. Re-platting: A new subdivision of land that was previously subdivided, with a different arrangement of lots. A replatting that is substantially changed from the previous subdivision shall be considered a new subdivision of land. See definition of "subdivision".
51. Right-of-way: A strip of land between property lines for use as a road or street.
52. Runoff: The surface water discharge or rate of discharge of a given watershed after a fall of rain or snow that does not enter the soil but runs off the surface of the land.
53. Sanitary Sewer: A pipe for conveying sewage and excludes storm, surface and ground water.
54. Site Capacity Calculation: A computation intended to determine the allowed density or intensity of use for a given tract.
55. Sight Distance: The length of roadway visible to the driver of a passenger vehicle at any given point on the roadway when the view is unobstructed by traffic. Sight distance measurements shall be made from a point three and five-tenths feet (3.5') above the center line of the cartway surface to a point three and five-tenths feet (3.5') above the center line of the cartway surface.
56. Slope: The face of an embankment or cut section; any ground whose surface makes an angle with the plane of the horizon. Slopes are usually expressed in a percentage based upon vertical difference in feet per 100 feet of horizontal distance.
57. Steep Slopes: Areas where the slope exceeds fifteen percent (15%) that, because of this slope, are subject to high rates of stormwater runoff and, therefore, erosion.
58. Storm Sewer: A pipe for conveying rain water, surface water, condensate, cooling water, and similar liquid waste, exclusive of sewage or industrial waste.
59. Street: A public or private thoroughfare used, or intended to be used, for passage or travel by motor vehicles and pedestrians and that furnishes access to abutting properties and space for public utilities. Streets are further defined and classified as follows:
  - a) Expressways: Limited access highways with full grade separation, serving a large

volume of high speed through traffic. The Casey Highway is an Expressway.

- b) Arterials: Major roads designed for a large volume of through traffic, with an expected average daily traffic count of three thousand and one (3,001) trips or greater.
  - c) Collectors: Streets designed to provide access between local streets and arterials streets. Access is controlled by limiting curb cuts. An average daily traffic count of twelve hundred and one (1,201) to three thousand (3,000) trips is expected.
  - d) Local Streets: Streets used primarily to provide access to abutting properties in internally developed areas. An average daily traffic count of up to 1,200 trips is expected and typically designed for an operating speed of thirty (30) miles per hour.
60. Street, Public: A street dedicated to public use.
61. Street Width: The shortest distance between the lines delineating the right-of-way of a street.
62. Study Area: An area extending one-half (0.5) mile along a street adjacent to the site, in both directions from all proposed or existing access points; or to and including a major intersection with a collector or arterial, whichever area is greater.
63. Subdivider: The owner, or authorized agent of the owner of a subdivision or land development. A developer.
63. Subdivision: The division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development; provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access, or residential dwelling shall be exempted.
- a) Subdivision - Major: A major subdivision shall be any subdivision that does not meet the definition of a "Minor Subdivision." The revision of the lot lines for multiple existing lots shall not by itself cause a proposed subdivision to be deemed a major subdivision.
  - b) Subdivision - Minor: A minor subdivision shall be the division of any lot to result in a total of four (4) or fewer residential lots. However, if the subdivision requires the construction or extension of a street, then it shall be regulated as a Major Subdivision, regardless of the number of lots. If a parcel of land held in single or separate ownership at the time of application for a minor subdivision is further subdivided to result in a total aggregate of five (5) or more lots, then such subsequent subdivision shall be regulated as a Major Subdivision.
64. Substantially Completed: Where in the judgement of the engineer, at least ninety (90%) percent (based on the cost of the required improvements for which financial security was posted pursuant to Section 206 hereof) of those improvements required as a condition for final approval have been completed in accordance with the approved plan, so that the project will be able to be used, occupied or operated for its intended use.

65. Surveyor: A registered land surveyor, as defined by the applicable Registration Act of the Commonwealth of Pennsylvania.
66. Swale: A low lying stretch of land which gathers or carries surface water runoff.
67. Trip Generation Rates: The total count of trips expected to and from a particular land use.
68. Volume/capacity Analysis: A procedure, as described in the Highway Capacity Manual, Special Report 209 (Washington, D.C.: Transportation Research Board, National Research Council, as amended), that compares the volume of a street or intersection approach to its capacity (maximum number of vehicles that can pass a given point during a given time period).
69. Warrants for Traffic Signal Installation: A series of justifications that detail the minimum traffic or pedestrian volumes or other criteria necessary for the installation of a traffic signal. These warrants are contained in the Manual on Uniform Traffic Control Devices for Streets and Highways by the Federal Highway Administration.
70. Water Survey: An inventory of the source, quantity, yield and use of groundwater and surface- water resources within a Borough.
71. Watercourse: A permanent stream, intermittent stream, river, brook, creek, or a channel or ditch for water, whether natural or man-made.
72. Woodland: Areas, groves, or stands of mature or largely mature trees that include significant numbers of trees of greater than six (6) inches caliper as measured at a point four (4) feet above grade and that cover an area greater than one-quarter (1/4) acres. This term shall also include groves of ten (10) or more trees of greater than twelve (12) inches caliper as measured at a point four (4) feet above grade.

#### 107. ENFORCEMENT

In addition to all those who may by law have the authority to enforce and/or prosecute, it is specifically designated that it shall be the duty of the Borough Council of Archbald to enforce this Ordinance.

#### 108. ENFORCEMENT REMEDIES AND PENALTIES

Any person, partnership or corporation who or which has violated the provisions of this Subdivision and Land Development Ordinance shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Borough, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the Borough as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by a Magisterial District Judge. If the defendant neither pays nor timely appeals the judgment, the Borough may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the Magisterial District Judge further determines that there was a good faith basis for the person, partnership or corporation violating the Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the

Magisterial District Judge and thereafter each day that a violation continues shall constitute a separate violation.

109. PREVENTIVE REMEDIES

- a. In addition to other remedies, the Borough may institute and maintain appropriate actions by law or in equity to restrain, correct or abate violations, to prevent unlawful construction, to recover damages and to prevent illegal occupancy of a building, structure or premises. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.
- b. The Borough may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision of real property in violation of this Ordinance. This authority to deny such a permit or approval shall apply to any of the following applicants:
  1. The owner of record at the time of such violations.
  2. The vendee or lessee of the owner of record at the time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.
  3. The current owner of record who acquired the property subsequent to the time of violation without regard as to whether such current owner had actual or constructive knowledge of the violation.
  4. The vendee or lessee of the current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.
- c. As an additional condition for issuance of a permit or the granting of an approval to any such owner, current owner, vendee or lessee for the development of any such real property, the Borough may require compliance with the conditions that would have been applicable to the property at the time the applicant acquired an interest in such real property. In addition, failure to comply with any conditions attached to the approval of a subdivision or land development application or plan shall constitute a violation of this Ordinance.

110. AMENDMENT OF THIS ORDINANCE.

This Ordinance may, from time to time, be amended in compliance with the procedures of the MPC.

111. BOROUGH RECORDS

The Borough shall keep a record of its findings, decisions and recommendations relative to all subdivision and land development plans filed with it for review. *The Borough Staff may decide which records are kept in an electronic vs. a paper format.*

112. VALIDITY

Should any section, subsection or provision of this Ordinance be declared invalid by a court of



competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole, or of any part that was not specifically declared to be invalid.

113.     CONFLICT WITH OTHER REGULATIONS

Wherever there is a direct conflict between a requirement specified herein and a requirement contained in the Zoning Ordinance or other official regulation, the most restrictive provision upon development shall apply.

ARTICLE 2  
PROCEDURES AND APPLICATION REQUIREMENTS

201 GENERAL OUTLINE OF PROCEDURES

a. Classification of Subdivision or land development

Whenever any subdivision of land or land development is proposed, before any contract is made for the sale of any part thereof, and before any permit for the erection of an applicable principal building in such proposed subdivision or land development shall be granted, the Owner, or his/her authorized agent, shall apply for and secure approval of such proposed subdivision or land development in accordance with the following procedures for subdivision and land development.

b. General Outline of Procedures

1. There are usually three (3) stages in the procedure for approval of subdivision and land development plans. These stages are necessary to enable the Planning Commission to have an adequate opportunity to review the submissions and to ensure that their formal recommendations are reflected in the final plans.
2. The separate stages of approval include the submission of an optional sketch plan, a Preliminary Plan Application and a Final Plan Application. The table below indicates the recommended and required plans for the different types of submissions.

| <u>Type of Submission</u> |                               |                               |                               |
|---------------------------|-------------------------------|-------------------------------|-------------------------------|
| <u>Application Stage</u>  | <u>Minor Subdivision</u>      | <u>Major Subdivision</u>      | <u>Land Development</u>       |
| Sketch Plan (202)         | Recommended<br>(Not Required) | Recommended<br>(Not Required) | Recommended<br>(Not Required) |
| Preliminary Plan          | Not Required                  | Required (204)                | Required (204)                |
| Final Plan                | Required (203)                | Required (205)                | Required (205)                |

c. Pre-Application/Sketch Plan Consultation

Prior to filing an application for approval of a subdivision or land development within Archbald Borough, the applicant or his/her authorized agent should request a determination by the Borough Engineer regarding whether the application is classified as a minor subdivision, a major subdivision or a land development.

d. Timing Requirements for Review and Approval

Sketch plans typically involve no more than a sixty (60) day review period. The time line for action on a preliminary plan or final plan shall meet the requirements of the MPC. Such

provisions generally require that action be taken on a complete duly submitted application no more than ninety (90) days starting from the date of the regular meeting of the Planning Commission, assuming that the application is determined by the Chairperson of the Borough Planning Commission to be complete at that first meeting. If the next regular meeting occurs more than thirty (30) days following the submittal of the application, then such ninety (90) day period shall be measured from the thirtieth day following the day a complete application has been duly submitted. See the definition of "Official Filing Date" in Article 8. The Borough Manager or other designated staff-person shall affix the date it is received in the Borough Building and the Chairperson of the Planning Commission may affix the date *that the submission was determined to be complete (such as at the first meeting)*.

e. General Application Requirements

For the purpose of having a subdivision or land development considered and approved by the Borough, the applicant shall file with the Borough Staff the following items at the initial submission, in addition to the required number of plans:

1. A signed subdivision and land development application.
2. Information on any easements or rights-of-way that may limit development.
3. A statement setting forth in detail the types and amounts of the improvements the applicant proposes to make on the property to be developed, if known.
4. A development schedule indicating the approximate date when construction can be expected to begin and be completed, if known.
5. A description of any proposed restrictions or covenants the applicant is proposing on the lots that are relevant to the plans.
6. The payment of all fees and any review escrow amount required at the time of submittal under the Borough Fee Resolution or Ordinance. An application shall not be considered to be complete or to have been duly submitted until all such fees and escrow amount have been paid to the Borough.

202 SKETCH PLANS

a. Purpose

1. The purpose of the sketch plan, which is an optional submission, is to afford the applicant the opportunity to consult early and informally with the Planning Commission before the preparation of the preliminary or final application for approval.
2. Prior to the preparation and filing of the Preliminary Application, the applicant is encouraged to submit to the Commission the following plans and data, and shall ascertain from the Commission those elements which should be considered in the design of the Subdivision or Land Development.
3. During the sketch plan process, the applicant can take advantage of the services of the Planning

Commission to help analyze the issues involving the plan and ways to provide sound coordination with the community. The sketch plan process also affords the opportunity to give informal guidance to the applicant at a stage when potential points of difference can be more easily resolved. A sketch plan review can often save an applicant time and money, by avoiding the need for later revisions to the preliminary plan.

b. Procedure for a Sketch Plan

1. The applicant may prepare the sketch plan and application form, including the data specified in Section 202.e. hereof. The sketch plan should be submitted a minimum of 10 days before the Planning Commission where it will be discussed, but the Planning Commission may review a sketch plan that is submitted fewer days before a meeting.
2. A fee shall not be required for submission of a Sketch Plan, unless the Planning Commission determines that the proposal is sufficiently complex that it requires a review by the Borough Engineer. If a Borough Engineer review is determined to be needed, the applicant may be required by the Borough to submit sufficient escrow funds to cover the reasonable costs of such a review.

c. Review Process for a Sketch Plan

1. The applicant should submit 8 *paper copies* of the sketch plan and a copy of the application to the Borough. A PDF version of the plan is also *required with any submittal*. After acceptance and payment of any required fees, the Borough Staff should distribute *paper or electronic* copies of the sketch plan in the following manner:
  - a) One (1) copy to the Borough Engineer.
  - b) One (1) copy to the Zoning Officer.
  - c) One (1) copy to the Borough Council President.
  - d) One (1) copy to the Borough Fire Chief.
  - e) One (1) file copy to be retained by the Borough Staff.
  - f) Copies to the Planning Commission.
2. A formal review is not required by any Borough officials, but review comments may be provided to the Planning Commission.

d. Planning Commission. The Planning Commission should:

1. Review the sketch plan submission;
2. Review any reports or recommendations that have been received; and
3. Provide comments about any suggested improvements to the submittal, but with the understanding that a complete ordinance compliance review is not made at the sketch plan stage. *The Borough* is not bound by comments made at the sketch plan stage.

e. Submission Standards for a Sketch Plan. Sketch plans shall be labeled as such, and should include the approximate locations of the following:

1. Site Plan

- a) Name of subdivision or land development.
- b) Name and address of the owner/applicant.
- c) County parcel number(s) of the site.
- d) Name and address of the plan preparer.
- e) Zoning requirements, including:
  - 1) Applicable district and district boundaries.
  - 2) Maximum density permitted and proposed density, if applicable.
  - 3) Lot size and yard requirements.
  - 4) Required and/or proposed open space and impervious surface ratios.
  - 5) Any variances or special exceptions granted or that are intended to be requested.
- f) Location map showing relation of site to adjoining properties and streets.
- g) North point.
- h) Written and graphic scales.
- i) Total acreage of the site.
- j) Site boundaries and description of adjacent uses (such as "single family detached dwelling").
- k) Width of cartways of streets on and immediately adjacent to the site.
- l) Approximate location of existing principal buildings (and their respective uses), streets, bridges, railroads and other significant man-made features within one hundred (100) feet of the site.
- m) Outline of the existing building locations, and proposed building locations or a typical location.
- n) Proposed general street layout, if applicable.
- o) Proposed general lot layout, if applicable.
- p) Types of buildings proposed.
- q) Number of dwelling units proposed or square footage of non-residential buildings.
- r) Open space or recreation areas, existing and proposed, or whether recreation fees are proposed to be paid for a residential project.
- s) Parking areas with dimensions and number of parking spaces.

## 2. Natural Features Map

The following information should be indicated, which may be approximated:

- a) Concentrations of steeply sloped lands.
- b) 100 year Floodplain areas.
- c) Areas of woodlands.
- d) Lakes and ponds.
- e) Area of suspected wetlands.

## 203 MINOR SUBDIVISIONS, MINOR LAND DEVELOPMENTS AND LOT MERGERS.

- a. Purpose. To provide a simplified procedure by which said minor subdivisions may be submitted and approved.
- b. General. See Section 203.g. for the merger of two or more abutting lots, or an adjustment to the lot line along two abutting lots. *If part of a street is vacated, the land must be added onto the adjacent lot(s) to avoid the creation of a new nonconforming lot.* See the definition of "Subdivision, Minor" in Section 106. In the event that the proposed subdivision would involve the construction or extension of a street, then the provisions of this section on minor subdivisions shall not be applicable, and the applicant shall be required to comply with the major subdivision requirements of Sections 204 and 205 hereof.

1. If a Land Development only involves one new commercial building or a commercial building addition, and it involves a maximum of 10,000 square feet of *new or additional* building floor area on an existing lot, it may be submitted and approved under the provisions for a "Minor Subdivision or Minor Land Development" instead of being submitted as a Major Subdivision.

c. Procedure for Minor Subdivision.

1. The applicant shall submit a subdivision plan and an application form to the Borough Staff with required Borough fees. The applicant is responsible for paying other fees directly, such as to LCRPC or LCCD. Said Plan shall outline the applicant's proposals in sufficient detail to permit a determination by the Planning Commission that the proposed subdivision conforms with the provisions of the Ordinance. Where a minor subdivision provides for on-site sewage disposal, the applicant shall provide the Borough with evidence of the approval of such by the Borough's Sewage Enforcement Officer.
2. The applicant shall prepare the minor subdivision application form, including the information specified in Section 203f. hereof.
3. The applicant shall prepare planning modules for land development as required by Chapter 71 of the Pennsylvania Sewage Facilities Act, if applicable. The applicant shall submit to the Borough Staff:
  - a. *Eight (8)* paper copies of the final minor subdivision plan, plus a copy that the applicant submits to LCRPC. If the submittal includes sheets showing engineering details and profiles, only three (3) copies of such sheets need to be submitted to the Borough. A PDF copy of the submittal is also *required*.
  - b. A signed copy of the Borough subdivision and land development application form.
  - c. Two (2) copies of the planning modules for land development, if applicable, plus a copy to LCRPC.

d. Review Process for a Minor Subdivision.

1. The Borough Staff (*such as the Zoning Officer*) shall check the submission for completeness. No application shall be deemed complete unless and until all items specified in Section 203 hereof have been submitted. If the submission is incomplete, the *Borough Staff* shall notify the applicant within fourteen (14) *calendar* days and indicate the deficiencies. The submission shall not be considered complete for the purposes of starting the MPC time limits until the remaining materials are submitted *and the application is officially accepted*. If the application is complete, the *Borough Staff* shall accept the final minor subdivision plan, application form and fees.
2. The applicant shall submit a copy of the plans and application form and a copy of any planning module directly to LCRPC, with their required fees. The applicant is also responsible for making any required submittals directly to LCCD and to pay their fees, as applicable. Upon acceptance, the Borough Staff should distribute *paper or electronic* copies of the final minor subdivision plan in the following manner:
  - a) One (1) copy of the final plan and application form to the Borough Engineer.
  - b) One (1) copy of the final plan and application form to the Zoning Officer.
  - c) One (1) copy of the final plan and application form to the Solicitor.
  - d) One (1) copy of the final plan and application form to the Borough Council President.
  - e) One (1) copy of the final plan and application to the Borough Fire Chief.
  - f) At least one file copy of all materials shall be retained by the Borough Staff

(which should have original signatures and seals).

3. The Borough Engineer should within thirty (30) days following acceptance of the final minor subdivision submittal:
    - a) Review the engineering considerations in the applicant's submission; and
    - b) Make recommendations to the Planning Commission.
  4. The Zoning Officer should within thirty (30) days following acceptance of the final minor subdivision submittal:
    - a) Review the zoning considerations in the applicant's submission; and
    - b) Make recommendations to the Planning Commission.
  5. The Solicitor should:
    - a) Review the proposed agreements, offers of dedication, covenants and deed restrictions; and
    - b) Make recommendations to the Planning Commission.
  6. The LCRPC shall be provided with a minimum of thirty (30) days from the date that the minor subdivision plan was forwarded to said Commission to provide any review, unless a review is provided in less time.
  7. The applicant shall provide evidence that they are the landowner (such as a deed), equitable owner (such as an agreement of sale), or otherwise have written permission from the landowner to submit the application.
  8. The Borough Fire Chief should make a recommendation on the fire and safety issues of the plan to the Planning Commission, *which should be made within 30 days*.
  9. The Planning Commission should review the submission, public comments, and any reports received from official reviewing agencies or officials, such as LCRPC, LCCD, the Borough Engineer, Zoning Officer, Solicitor and Fire Chief.
  10. Prior to final action on the submittal, the applicant may submit a revised plan with the Borough Staff, without being requiring to submit a new fee. An applicant may be required to replenish the escrow deposit for reviews if needed, as revised plans are submitted.
- e. Actions by Planning Commission. The Planning Commission shall:
1. Determine whether the submittal meets the requirements of this Ordinance and other pertinent ordinances.
  2. Unless a written extension is granted by the applicant, the Planning Commission shall within the time limits for action in the MPC (see Section 201.D) approve, conditionally approve or disapprove the minor subdivision submittal. If disapproved, the Planning Commission shall state the reasons for this action.
  3. The decision of the Planning Commission shall be in writing and shall be communicated to the applicant personally or mailed to him/her at the last known address not later than fifteen (15) days following the decision.

4. The approval of the *Planning Commission* shall be expressed by placing the following a written, signed and dated statement of approval upon the final plan of the minor subdivision.
5. When the application is not approved in terms as filed, the decision shall specify the defects found in the application and describe the requirements which have not been met and shall, in each case, cite to the provisions of the statute or ordinance relied upon.
6. Conditions. When an application is approved with conditions, the applicant is required to provide notice in writing whether they accept the conditions. Failure of the applicant to provide a written acceptance of conditions within 30 days of notification may result in the plan approval being considered to be void.
7. Recording of Final Plan. Section 206 shall apply.

f. Information to Be Submitted with a Final Plan for Minor Subdivisions

1. Drafting standards shall be in accordance with Section 204f. hereof.
2. Required information:
  - a) Site plan (on separate sheet), showing:
    - 1) Name of subdivision or land development.
    - 2) Name and address of owner/applicant.
    - 3) Tax parcel number(s) of the site.
    - 4) Name, address, and seal of surveyor and other applicable names, addresses and seals.
    - 5) Zoning requirements, including:
      - [a] Applicable district and district boundaries
      - [b] Maximum density or intensity permitted, if applicable.
      - [c] Lot size and yard requirements.
      - [d] Open space and impervious surface ratios, if applicable.
      - [e] Any variances or special exceptions granted that are relevant to the submittal.
  - 6) Proposed Standards:
    - [a] Density.
    - [b] Amount of any proposed open space.
    - [c] Percentage impervious coverage.
    - [d] Dwelling unit or non-residential use mix, if known.
    - [e] Square footage of buildings, if known.
  - 7) Location map showing relation of site to streets within four hundred (400) feet
  - 8) North Arrow.
  - 9) Written and graphic scales.
  - 10) Total acreage of the site.
  - 11) A complete survey of the property to be subdivided or developed, showing all courses, distances, and tie-ins to all adjacent intersections and areas.
  - 12) Location of all existing monuments.
  - 13) Boundaries of all adjoining properties (with names of landowners).



- 14) Existing cartways of streets on and adjacent to the site with existing and ultimate rights-of-way.
  - 15) Location of existing principal buildings (and their respective uses), sewage disposal systems, wells, driveways, sewer lines, storm drains, culverts, bridges, utility easements, quarries, railroads, and other significant man-made features within one hundred (100) feet of and within the site. Location of features outside of the applicant's land may be approximate, unless the feature directly impacts a regulation, such as a separation from a well.
  - 16) Pursuant the Pennsylvania One Call requirements, all underground utility lines with indications as to: Ownership. Size, and Widths of rights-of-way or easements.
  - 17) The proposed layout:
    - [a] Outline of the building envelopes, existing building locations, and proposed building locations. *If an exact building outline is not known for a subdivision, the plan may show a typical building location within the building envelope.*
    - [b] The lot layout and approximate dimensions, areas and uses of lots; building setback lines and rear and side yard lines.
    - [c] Open space areas, and indication as to whether offered for dedication.
    - [d] Rights-of-way and/or easements for all drainage facilities, utilities or other purposes.
    - [e] Monuments.
    - [f] Gas mains.
    - [g] Water mains.
    - [h] Driveway locations, which may be typical for new single family detached dwellings.
    - [i] Locations of public and/or private sewer systems, if applicable.
    - [j] Where the preliminary plan involves a portion of the applicant's entire tract, a sketch plan of a feasible future subdivision or land development of the remainder of the tract.
- b) Natural features map (on separate sheet). The following information shall be indicated:
- 1) Floodplain areas.
  - 2) Steep slope areas.
    - a) Fifteen percent (15%) to twenty-five percent (25%).
    - b) Twenty-five percent (25%) and over.
  - 3) Lakes and ponds.
  - 4) Delineation of wetlands, or a statement that no wetlands exist.
- c) Common facilities. Draft agreements to ensure proper long-term management and maintenance of any common facilities, private streets, detention basins or open space, if applicable, which shall be subject to acceptance by the Borough Solicitor.
- d) If applicable, planning modules as required by Chapter 71 of the Pennsylvania Sewage Facilities Act, as amended. If applicable, approval by the Borough shall be conditioned

upon the applicant providing evidence of Planning Module approval by DEP.

- e) Lot Line Change. Whenever the application is only for a change in lot lines which will not create additional lots, the following shall be provided:
  - 1) Drafting standards shall be in accordance with Section 204.f. hereof.
  - 2) Information specified in Section 202.e.1. hereof.
- f) Additional Provisions
  - 1) All offers of dedications and covenants governing the reservation and maintenance of undedicated open space, bearing certificate of approval of the Borough Solicitor.
  - 2) Such private deed restrictions, including building setback lines, as may be imposed upon the property that may directly affect the plan, together with a statement of any restrictions previously imposed that may affect the plan as submitted.
  - 3) A notice on the plan stating that access to any highway under the jurisdiction of PennDOT shall be only as authorized by a highway occupancy permit pursuant to §420 of the Act of June 1, 1945 (P.L. 1242, No. 428), known as the "State Highway Law".
- g. *Lot Mergers and Lot Line Adjustments. If an application under Section 203 will only involve the merger of two existing lots or an adjustment to a lot line that separates two lots, and the lot is not proposed for construction of a new principal building (other than one single family detached house), then this simplified process in this subsection g. may be used.*
  - 1) *Such application shall need approval by the Planning Commission, but shall not require review by the Borough Engineer or Fire Chief, unless the Borough Staff determines there are unusual issues or if review is required under the Stormwater Ordinance. The plan is only required to include sufficient information as needed to determine compliance with Borough requirements, particularly to show that no new zoning ordinance non-conformity will be created. The plan shall show all easements and rights-of-ways that may affect the development of the lot. The submittal shall include a certification by a Registered Surveyor. For a lot merger, the applicant shall provide a proposed deed and then a certification to the Borough that the lots were merged, and the plan shall state that the previous lots shall not be separately conveyed.*

#### 204. MAJOR SUBDIVISIONS AND LAND DEVELOPMENTS - PRELIMINARY PLAN REQUIREMENTS

- a. Purpose. The purpose of the preliminary application is to review substantive materials, so that a more detailed and/or phased final plan can later be approved.
- b. General
  - 1. The preliminary plan application, and all plans and information and procedures relating thereto shall in all respects be in compliance with the provisions of this Ordinance, except where variation therefrom may be requested pursuant to Article 6 hereof.
  - 2. No provisions of this Ordinance shall relieve the applicant from complying with any other State or Federal Law either in effect as of the adoption of this Ordinance or enacted subsequent to this Ordinance.

3. See Section 203.b.1) that allows certain Land Developments to be submitted under the simplified standards for a Minor Subdivision.

c. Procedure

1. The preliminary application and all information and procedures relating thereto shall in all respects be in compliance with the applicable provisions of this Ordinance. Such application shall be submitted to the Borough not less than ten (10) calendar days prior to the meeting of the Commission at which consideration is desired. All documents and data submitted hereunder shall be labeled "Preliminary Plan." It is the responsibility of the applicant to coordinate his/her plans with the respective private and public service agencies. The applicant shall additionally present evidence of notification of all affected public utilities as to the suitability of all utility easements.
2. The applicant shall submit to the Borough Staff:
  - a) *Eight (8)* copies of the preliminary plan, plus 1 copy that the applicant submits to LCRPC. If the plan involves sheets with engineering details and profiles, only 3 copies are needed of such sheets.
  - b) Two (2) copies of the Borough subdivision and land development application form, plus a copy to LCRPC.
  - c) Two (2) copies of the planning module for land development if required the PA Sewage Facilities Act, plus a copy to LCRPC.
  - d) All applicable fees.
  - e) A PDF copy of the plan, on a thumb drive or similar device.

d. Review Process for a Preliminary Plan.

1. *The Borough Staff (such as the Zoning Officer) shall check the submission for completeness.* No application shall be deemed complete unless and until all items specified in Section 204 hereof have been submitted. If the submission is incomplete, the *Borough Staff* shall notify the applicant within fourteen (14) calendar days and indicate the deficiencies, and the plan shall not be officially considered to be accepted for the purposes of the MPC time limits until the submission is complete. If the application is complete, the Borough Staff shall officially accept the submission.
2. The applicant shall submit a copy of the preliminary plan and application form and one (1) copy of any planning module for land development directly to the Lackawanna County Regional Planning Commission (LCRPC). The applicant is responsible to submit any required materials and any required fees directly to LCRPC and LCCD. The Borough Staff shall distribute *paper or electronic* copies of the preliminary plan in the following manner:
  - a) One (1) copy of the preliminary plan and application form and one (1) copy of any planning module to the Borough Engineer
  - b) One (1) copy of the preliminary plan and application form to the Zoning Officer.
  - c) One (1) copy of the preliminary plan to the Fire Chief.
  - d) One (1) copy of the preliminary plan to the Borough Council President.
  - e) Five (5) copies of the preliminary plan to the Planning Commission.
  - f) If the applicant intends to complete any earth disturbance prior to final plan approval, then a soil erosion and sedimentation control plan shall be submitted at the preliminary plan age, and shall also be provided to the LCCD if it meets the threshold for LCCD review.

g) One (1) copy of the preliminary plan to the Borough Solicitor.

3. The Borough Engineer should within thirty (30) days following acceptance of the preliminary application:
  - a) Review the applicant's submission; and
  - b) Make recommendations to the Planning Commission.
4. The Zoning Officer should within thirty (30) days following acceptance of the preliminary application:
  - a) Review the ordinance considerations in the applicant's submission; and
  - b) Make recommendations to the Planning Commission.
5. The Fire Chief should within thirty (30) days following acceptance of the preliminary application:
  - a) Review the fire protection considerations; and
  - b) Make recommendations to the Planning Commission.
6. The Planning Commission should, within thirty (30) days following acceptance of the preliminary application, hold a meeting to review the submission, with the applicant or his/her representative invited.
7. The LCRPC shall be provided an opportunity to provide a review within thirty (30) days from the date that the preliminary application was forwarded to said Commission.

e. Action by Planning Commission on a Preliminary Plan

1. The Planning Commission shall within the time limits of the MPC for action complete the following:
  - a) Review any reports and comments provided, including from the LCRPC, the LCCD, the Borough Engineer, Fire Chief, Zoning Officer and others;
  - b) Determine whether the application meets the requirements of this Ordinance and other pertinent ordinances; and
  - c) Determine whether the Final Plan shall be approved, conditionally approved or disapproved. Any conditions shall be stated in the approval.
2. The decision of the Planning Commission shall be in writing and shall be communicated to the applicant personally or mailed to him/her at the last known address not later than fifteen (15) days following the decision. If the application is disapproved, the Planning Commission shall specify in their notice defects found in the application, and the requirements which have not been met, including specific reference to provisions of any statute or ordinance which have not been fulfilled. When an application is approved with conditions, the applicant is required to provide notice whether they accept the conditions in writing. Failure to return such a written acceptance of conditions within 30 days of notification may result in the application being considered to be disapproved.
3. Approval of the preliminary application shall constitute approval of the subdivision or land development as to the character and intensity of development, the arrangement and dimensions of streets, lots, and other planned features. The approval binds the applicant to the subdivision or land development plan shown, unless a revised plan is submitted, and permits the subdivider to proceed

to arrange for guarantee to cover installation of the improvements, and to prepare the final application. Approval of the preliminary application shall not constitute approval of the final application or authorize the sale of lots or construction of buildings nor the recording of the Preliminary Plan.

- a. Prior to Planning Commission action on the submittal, the applicant may file a revised preliminary application with the Borough Staff, without needing a new fee. However, the applicant may be required to replenish the escrow deposit if needed.
  - b. An approval may be conditioned upon approval of a Sewage Planning Module by DEP or upon issuance of any other State or Federal approval or permit. The Planning Commission shall not act upon an application until a report is received from the LCRPC or until the expiration of thirty (30) days from the date the application is submitted to the LCRPC.
4. Joint Preliminary/Final Plan. If a Preliminary Plan application meets all of the requirements for a Final Plan application, then the Planning Commission may accept the application as a Joint Preliminary/Final Plan and/or may approve the submission as a Joint Preliminary/Final Plan approval.

f. Information to be Provided With Preliminary Plan Application

1. Drafting Standards

- a) The plat plan shall be drawn at a clearly legible standard scale, such as one (1) inch equals fifty (50) feet or one (1) inch equals one hundred (100) feet or another scale acceptable to the Borough Engineer. Plans showing proposed construction, including, but not limited to, grading, piping and other improvements, shall be drawn at a standard scale, such as one (1) inch equals fifty (50) feet.
- b) Dimensions shall be set in feet and decimal parts thereof; and bearings in degrees, minutes and seconds.
- c) Each sheet shall be numbered and shall show its relationship to the total number of sheets.
- d) Where a re-subdivision is proposed, or when the plan is a revision of a previously approved plan, dotted lines shall be used to show lot lines to be abandoned and solid lines to show the currently proposed lot lines.
- e) Notations of revisions shall be dated.
- f) The plan shall include an adequate legend to indicate clearly which features are existing and which are proposed.
- g) The boundary line of the subdivision or land development shall be shown as a distinct line.

2. Required Information. The preliminary plan shall show or be accompanied by the following information:

- a) Site plan showing:
  - a) Name of subdivision or land development.
  - b) Name and address of owner/applicant.
  - c) Tax parcel number(s) of the site.
  - d) Name, address, and seal of surveyor and plan preparer.
  - e) Zoning requirements, including:
    - 1) Applicable district and district boundaries

- 2) Maximum density or intensity permitted, if applicable.
  - 3) Lot size and yard requirements.
  - 4) Open space and impervious surface ratios, if applicable.
  - 5) Any variances or special exceptions granted.
- f) Proposed standards:
    - [1] Density.
    - [2] Open space or recreation land provisions (if applicable).
    - [3] Impervious surface percentage.
    - [4] Dwelling unit or non-residential use mix, if known.
    - [5] Size of buildings, if known.
  - g) Location map showing relation of site to streets within four hundred (400) feet
  - h) North arrow.
  - i) Written and graphic scales.
  - j) Total acreage of the site.
  - k) A complete accurate survey of the property to be subdivided or developed, showing all courses, distances, and tie-ins to all adjacent intersections and areas.
  - l) Location of all existing monuments.
  - m) Boundaries of all adjoining properties (with names of landowners).
  - n) Existing cartways of streets on and adjacent to the site with existing and ultimate rights-of-way.
  - o) Existing principal buildings (and their respective uses), sewage disposal systems, wells and driveways within two hundred (200) feet of the site. Sewer lines, storm drains, culverts, bridges, utility easements, quarries, railroads, and other significant man-made features within two hundred (200) feet of and within the site, including properties across streets.
  - p) Pursuant to the Pennsylvania One Call regulations, locations of all underground utility lines with indications as to: ownership, size, and widths of rights-of-way or easements.
  - q) The proposed layout:
    - [1] Outline of the building envelopes, existing building locations, and proposed building locations. *If an exact building outline is not known for a subdivision, the plan may show a typical building location within the building envelope.*
    - [2] The layout of streets, including widths of cartways, and existing and ultimate rights-of-way; and proposed improvements pursuant to Section 204g.2.h) hereof. The Borough Council shall retain jurisdiction to approve all proposed street names.
    - [3] The lot layout and approximate dimensions, areas and uses of lots; building setback lines and rear and side yard lines.
    - [4] The arrangement and use of buildings and parking areas in nonresidential developments and multi-family residential developments with all necessary dimensions and number of parking spaces. Elevations and perspective sketches of proposed principal buildings are encouraged.
    - [5] Open space areas, and indication as to whether offered for dedication or whether fees are proposed.
    - [6] Any proposed recreational facilities or trails.
    - [7] Rights-of-way and/or easements for all drainage facilities, utilities or other purposes.
    - [8] Sidewalks and pedestrian paths.
    - [9] Street lights.
    - [10] Fire hydrants.

- [11] Monuments and markers.
- [12] Gas mains.
- [13] Water mains.
- [14] Driveway locations.
- [15] Locations of public and/or private sewer systems, if applicable.
- [16] Where the subdivision or land development is proposed to be developed in sections, a delineation of and numbering of the sections in their proposed order of development.
- [17] Where the preliminary plan involves a portion of the applicant's entire tract, a sketch plan of a feasible future subdivision or land development of the remainder of the tract.
- [18] The applicant shall provide evidence that they are the landowner (such as a deed), equitable owner (such as an agreement of sale), or otherwise have written permission from the landowner to submit the application.

2. Natural Features map (on separate sheet), showing:

- a. Unless the proposed development is to be served by a central sewage disposal system, soil types within the site, based on mapping of the U.S. Natural Resources and Conservation Service. An attached table shall indicate each soil's limitations for septic systems.
  - b. Contour lines overlayed on a street and lot layout, measured at vertical intervals of two (2) feet.
  - c. Datum to which contour lines refer. Where practicable, data shall refer to established elevations.
  - d. 100 year Floodplain areas.
  - e. Base flood elevation data, if available.
  - f. Alluvial soil areas, in areas where there is not a defined 100 year floodplain.
  - g. Slope areas, highlighting the following areas.
    - [a] Fifteen percent (15%) to twenty-five percent (25%).
    - [b] Twenty-five percent (25%) and over.
  - h. Vegetation map, showing:
    - [a] Woodland areas.
    - [b] Large trees over ten (10) inches caliper standing alone.
    - [c] Other significant vegetation.
  - i. Water resources map (on separate sheet), showing:
    - [a] Streams.
    - [b] Swales.
    - [c] Lakes and ponds.
    - [d] Delineation of wetlands, or a statement that no wetlands exist.
    - [e] Major and minor watersheds.
3. Sedimentation and erosion control plan pursuant to DEP regulations and prepared in accordance with standards and specifications of the County Conservation District (on separate sheet). This plan may be delayed to the final plan stage if the applicant commits in writing to not complete any earth disturbance until after the final plan has been approved.
4. Storm water management plan in compliance with the Borough's Storm Water Management Ordinance.

5. Utility plan (on separate sheet), showing:
  - a. Public sanitary sewer facilities, if applicable.
  - b. Central water supply facilities, if applicable.
  - c. *Coordination with any stormwater management system.*
  - d. *Any provisions as applicable for broadband or underground cable television.*
  - e. *Any existing or proposed natural gas distribution lines.*
6. Landscaping and grading plan (on separate sheet), showing:
  - a. Existing and proposed grades for the entire site.
  - b. Existing woodland to be removed.
  - c. Existing woodland to be preserved.
  - e. Proposed planting schedule indicating the locations, species and sizes of plantings as required by Article 3 and the Zoning Ordinance.

Note - A plan also may need to be submitted under the Borough Stormwater Management Ordinance (SWMO) or the Zoning Ordinance. As of 2023, for example, Section 1403.A. of the Zoning Ordinance requires a zoning permit for site alterations, including the grading of more than ½ acre of land. That section also requires a zoning permit for the creation of a parking lot or vehicle driveway. The SWMO requires a plan if there is an increase of impervious coverages over a certain amount.
7. Tentative typical cross sections and center-line profiles for each proposed street shown on the site plan (on separate sheet).
8. Transportation impact study.
  - a. A transportation impact study, as defined in subsection B(8)(d) below may be required of all major subdivisions and land developments. This study, if required, will enable Archbald Borough to assess the impact of a proposed development on the local transportation system. The study purpose is to ensure that proposed developments do not adversely affect the transportation network and to identify any traffic problems associated with access from the site to the existing transportation network. The study's purpose is also to delineate solutions to potential problems and to present improvements to be incorporated into the proposed development. The study will assist in the protection of air quality, the conservation of energy, and the encouragement of public transportation use.
  - b. Subdivisions and land developments for which a transportation impact study will be required.
    - 1) A transportation impact study shall be required for all subdivisions and land developments that meet one (1) or more of the following criteria:
      - a) A residential subdivision or land development of fifty (50) or more or more dwelling units.
      - b) A non-residential land development of one hundred thousand (100,000) square feet or more of total floor area.
      - c) A development which will generate an ADT of at least 1,000 vehicles.
      - d) When a study is required by another provision of a Borough ordinance.
    - 2) The Planning Commission, based upon the recommendation of the Borough Engineer, shall have the discretion to require the preparation of a traffic impact



study for any other subdivision or land development if, in their opinion, such a study is necessary to address a particular hazard, such as limited sight distances.

- c. The Borough may select a qualified engineer and/or transportation planner with previous traffic study experience to review the applicant's transportation impact study. The Borough may utilize applicant's fees, placed in escrow, to fund such review.
- d. The transportation impact study shall contain, but not be limited to, the following information:
  - 1) General site description. The site description shall include the size, location, proposed land uses, construction staging and completion date of the proposed land development. If the development is residential, types of dwelling units and number of bedrooms shall also be included. A brief description of other major existing and proposed land developments within the study area shall be provided and shall be addressed by the traffic impact study. The general site description shall also include probable socioeconomic characteristics of potential site users to the extent that they might affect the transportation needs of the site (for example, the number of senior citizens).
  - 2) Transportation facilities description.
    - a) The description shall contain a full documentation of the proposed internal and existing external transportation system. This description shall include internal vehicular, bicycle and pedestrian circulation, all proposed ingress and egress locations, all internal roadway widths and rights-of-way, parking conditions, traffic channelization, and any traffic signals or other intersection control devices within the site. The site design shall be shown to maximize potential public transportation usage to and from the development, such as providing adequate turning radii at all access points to allow a bus to enter the development. Bus shelters and sign locations shall be designated where appropriate.
    - b) The report shall describe the entire external roadway system within the study area. Major intersections in the study area shall be identified and sketched. All existing and proposed public transportation services and facilities within a one-mile radius of the site shall also be documented. All future highway improvements, including proposed construction and traffic signalization, shall be noted. This information shall be obtained from the PennDOT 12-Year Highway Capital Improvements Program, the Lackawanna County Comprehensive/Transportation Plan and from the Borough's Comprehensive Plan and any Official Map.
      - 1) The applicability of current updates prior to the application under consideration shall be determined by the Borough Engineer. Any proposed roadway improvements resulting from proposed surrounding development shall also be considered.

[c] Existing traffic conditions.

- [1] Existing traffic conditions shall be measured and documented on all streets and intersections in the study area. Traffic volumes shall be recorded for existing average daily traffic, existing peak hour traffic and for the land development's peak hour traffic. Complete traffic counts at all major intersections in the study area shall be conducted, encompassing the peak highway and development-generated hour(s), and documentation shall be included in the report. A volume/capacity analysis based upon existing volumes shall be performed for the peak hour(s) and the peak development-generated hour(s) for all roadways and major intersections in the study area. Levels of service shall be determined for each location.
  - [2] This analysis will determine the adequacy of the existing roadway system to serve the current traffic demand. Roadways and/or intersections experiencing levels of service E or F shall be noted as congestion locations.
- [d] Transportation impact of the development. Estimation of vehicular trips to result from the proposed development shall be completed for both the street system and the development-generated peak hours. Vehicular trip generation rates to be used for this calculation shall be obtained from the Institute of Traffic Engineering (ITE) or other recognized traffic authorities. These development-generated traffic volumes shall be provided for the inbound and outbound traffic movements as estimated. The reference source(s) and methodology followed shall be cited. These generated volumes shall be distributed to the study area and assigned to the existing streets and intersections throughout the study area. Documentation of all assumptions used in the distribution and assignment phase shall be provided. Traffic volumes shall be assigned to all access points.

Pedestrian volumes shall also be calculated, if applicable. If school crossings are to be used, pedestrian volumes shall be assigned to each crossing. Any characteristics of that site that will cause unusual trip generation rates and/or traffic flows shall be noted.

[e] Analysis of Transportation Impact

- [1] The total future traffic demand based on full occupancy of the proposed subdivision or land development shall be calculated. This demand shall consist of the combination of existing traffic expanded to the completion year, the development-generated traffic, and the traffic generated by other proposed developments in the study area. A volume/capacity analysis shall also be conducted using the total future demand and the future roadway capacity. If staging of the proposed development is anticipated, calculations for each stage of completion shall be made. This analysis shall be performed using the peak highway hour(s) and peak development-generated hour(s) for all streets and major intersections in the study area. Volume/capacity calculations shall be completed for all major intersections.
- [2] All access points and pedestrian crossings shall be examined as to the

feasibility of installing traffic signals. This evaluation shall compare the projected traffic and pedestrian volumes to the warrants for traffic signal installation. Levels of service for all streets and intersections shall be listed.

[f] Conclusions and Recommended Improvements

- [1] All streets and/or intersections showing a level of service below C shall be considered deficient, and specific recommendations for the elimination of these problems shall be listed. This listing of recommended improvements shall include, but not be limited to the following elements: internal circulation design; site access location and design; external street and intersection design and improvements; traffic signal installation and operation, including signal times; and transit design improvements.
- [2] Existing and/or future public transportation service shall also be addressed. A listing of all actions to be undertaken to increase present public transportation usage and improve service, if applicable, shall be included.
- [3] The listing of recommended improvements for both streets and transit shall include, for each improvement, the party responsible for the improvement, the cost and funding of the improvement and the completion date for the improvement.
- [4] The Planning Commission should review the transportation impact study to analyze its adequacy in solving any traffic problems that will occur due to the subdivision or land development.
- [5] Within the limits of State law, based upon the traffic study or any professional review, the Planning Commission may decide that certain improvements or fair share contributions towards the cost of certain improvements are required for approval, and may attach these conditions to the preliminary or final approval.
- [6] For projects that require a Highway Occupancy Permit (HOP), any preliminary or final plan application is conditioned upon the applicant providing evidence of an approved HOP.

[g] Update of Transportation Impact Study. If the transportation impact study for a subdivision or land development is more than 10 years old, or if the transportation impact study undercounted the anticipated traffic impact because of the types of anticipated development, then an update of the Transportation Impact Study shall be required to be submitted to the Borough as part of a new subdivision or land development.

- 2. Planning modules for land development if required by the Pennsylvania Sewage Facilities Act, if applicable.
- 3. Additional Requirements for Commercial and Industrial Land Developments.

- a. Submit three (3) sets of plans showing the exterior design of principal buildings as visible from a public street and the nearest principal dwelling.
  - b. Such plans shall show height, location, elevation, design and construction materials for all development and improvement of each site.
4. Additional Information.
- a. Letters from utility companies indicating the intent to serve the project and the availability of required utilities.
  - b. Schedule of all proposed sections of the subdivision or land development, if applicable, showing order of development. For a phased development, the applicant shall show that the development will be able to properly function if later phases are not completed.
  - c. Methods to ensure proper maintenance of any homeowner association open space and/or private streets, sewer systems, central water systems, detention basins and other major improvements; and method of management. A formal contract is not required at this point.
5. After completion of any improvements, an as-built plan shall be submitted by the developer to the Borough.

205. MAJOR SUBDIVISION AND LAND DEVELOPMENT - FINAL APPLICATION REQUIREMENTS

- a. Purpose. To require formal approval by the Planning Commission before plans for major subdivisions and land developments are recorded as required by Section 205.j.
- b. General
  - 1. A "Subdivision, Major" is defined in Section 106. The final application shall conform in substance to the preliminary application, as approved, or a new preliminary plan approval may be required.
  - 2. The final application and all plans, information and procedures relating thereto shall in all respects be in compliance with the provisions of this Ordinance, except where variation therefrom may be specifically approved by the Planning Commission pursuant to Article 6 hereof.
  - 3. If a Land Development only involves one new commercial building or a commercial building addition of up to 10,000 square feet of *new or* additional building floor area on an existing lot, it may be submitted and approved under the provisions for a "Minor Subdivision or *Minor Land Development*" instead of under this Section 205.
- c. Procedure for a Final Plan.
  - 1. After the applicant has received official notification from the Borough that the

preliminary plan application has been approved, he/she must submit a final application in accordance with the provisions of Section 508 of the MPC.

2. The applicant shall file a Final Application for the entire land area or for a phase to be developed. All documents and data submitted hereunder shall be labeled "Final Plan". The Final Plan will have incorporated all conditions established by the Commission on the Preliminary Plan.
3. See provisions below regarding financial guarantees for the installation of improvements.
4. Evidence that the Planning Module for Land Development has been completed and submitted for review by DEP, if applicable.
5. The applicant shall prepare the final plan and application form, including the data specified in this Section 205. Said application shall be filed not less than ten (10) calendar days prior to the meeting at which consideration is desired. The applicant shall submit to the Borough Staff:
  - a. *Eight (8) paper* copies of the final plan, plus one copy that the applicant submits to LCRPC. If the plan involves separate sheets showing engineering details and profiles, only 3 copies of such sheets need to be submitted to the Borough.
  - b. Five (5) copies of the Borough subdivision and land development application form, plus a copy to LCRPC.
  - c. Written agreements, offers of dedication, covenants and deed restrictions pursuant to this Section 205 and other applicable requirements of this ordinance as well as the zoning ordinance.
  - d. The applicant shall be responsible to fund requisite inspection fees after Final Plan approval, and an escrow account for professional review costs at the time of Final Plan submittal.
  - e. A PDF copy of the plan, on a thumb drive or similar device.
6. The *Borough Staff* shall check the submission for completeness. No application shall be deemed complete unless and until all items required by this Section have been submitted. If the submission is incomplete, the Borough Staff shall notify the applicant within fourteen (14) days and indicate the deficiencies. *The time limits in the MPC shall not begin until after the application is officially accepted as complete.* If the application is complete, the Borough Staff shall accept the final plan application.
  - a. In addition to Borough fees, the applicant shall pay applicable review fees to the LCRPC and the County Conservation District directly to each of those agencies.
7. The applicant shall submit a copy of the submittal to the LCRPC. *The Borough Staff* shall distribute *paper or electronic* copies of the final application in the following manner:
  - a. One (1) copy to the Borough Engineer.
  - b. One (1) copy to the Zoning Officer.
  - c. One (1) copy to the Solicitor.
  - d. One (1) copy to the Borough Council President.
  - e. One (1) copy to the Fire Chief.
  - f. At least one (1) file copy shall be retained by the Borough Staff (which should have original signatures and seals).

d. Review Process for a Final Plan for a Major Subdivision or Land Development.

1. The Borough Engineer should within thirty (30) days following acceptance of the final application:
  - a. Review the engineering considerations in the applicant's submission; and
  - b. Make recommendations to the Planning Commission.
2. The Zoning Officer shall within thirty (30) days following acceptance of the final application:
  - a. Review the zoning considerations in the applicant's submission; and
  - b. Make recommendations to the Planning Commission.
3. The Solicitor should within thirty (30) days following acceptance of the final application:
  - a. Review the proposed agreements, offers of dedication, covenants and deed restrictions; and
  - b. Make recommendations to the Planning Commission.
4. The Planning Commission should, within thirty (30) days following acceptance of the final application, meet with the applicant to review the submission.
5. The LCRPC shall be provided a minimum of thirty (30) days from the date that the final plan was forwarded to said Commission to review the final plan and provide any report, unless the LCRPC provides a review in fewer days.
6. *The Fire Chief should within thirty (30) days following acceptance of the preliminary application:*
  - a) Review the fire protection considerations; and b) Make recommendations to the Planning Commission.*
7. The Planning Commission should:
  - a. Review any reports of the LCRPC, the Borough Engineer, Fire Chief, Zoning Officer, Solicitor and other reviewing agencies;
  - b. Discuss the submission with the applicant;
  - c. Determine whether the final application meets the requirements of this Ordinance and other pertinent ordinances, and complies with any conditions of preliminary application approval.

e. Planning Commission Action on a Final Plan.

1. The applicant shall prepare a draft guarantee for the installation of improvements which meet the requirements of this Section 205 and Article 4 hereof, and such guarantee shall be a condition of approval as applicable.
2. When an application is approved with conditions, the applicant shall agree to such conditions in writing. Failure to return such a written acceptance within 30 days of notification shall result in disapproval of the application.
3. The Planning Commission shall complete the following within the time limits established by the MPC for action (see Section 201(d)), unless the applicant has agreed in writing to an extension of time.
  - a. Make a decision that the Final Plan is approved, approved with conditions or

disapproved.

- b. The Borough Staff shall notify the applicant in writing of its decision by communicating it in person or by mailing it to his/her last known address not later than fifteen (15) days following the decision.
  4. If the final application is approved:
    - a. The Planning Commission shall in *writing approve* the final application. If approved, the Commission Chairperson *and Secretary* shall sign the Final Subdivision Submittal to show that it has received approval, and a copy shall be provided to the applicant for compliance with the recording requirements.
    - b. If the Final Application is approved subject to conditions, the Commission Chairperson shall not endorse the plan until all of the conditions have been met.
    - c. As a condition of approval and prior to recording, the applicant shall meet any requirement to enter into an improvements guarantee agreement as set forth in this Section 205, when applicable.
  5. If the final plan submittal is disapproved, the Planning Commission shall specify the defects found in the application in writing, stating the requirements which have not been met, including specific reference to the provisions of any statute or ordinance which have not been fulfilled. Such statement shall be provided to the applicant.
  6. When requested by the applicant, in order to facilitate financing, the Planning Commission shall furnish the applicant with a signed copy of a resolution indicating approval of the final application contingent upon the applicant obtaining a satisfactory financial security. The final plat or record plan shall not be signed nor recorded until the financial improvements agreement is executed. The resolution or letter of contingent approval shall expire and be deemed to be revoked if the financial security agreement is not executed within 90 days unless a written extension is granted by the Planning Commission; such extension shall not be unreasonably withheld and shall be placed in writing at the request of the developer. No changes, erasures, modifications, or revisions shall be made on any final plan of a subdivision/or a land development after approval has been given by the Planning Commission, and endorsed in writing on the plan, unless the Application is resubmitted for approval by the Planning Commission.
- g. Completion of Improvements or Guarantee Thereof Prerequisite to Final Plan Approval. Borough Council shall have the authority to administer the improvements guarantee, with the assistance of the Borough Staff and Borough Engineer.
  1. No application for a subdivision or a land development shall be finally approved unless the streets included in such subdivision or land development have been improved to a mud-free or otherwise permanently passable condition, and any walkways, curbs, , sanitary sewers, storm sewers, and other improvements as may be required by this Ordinance have been installed in accordance with the requirements of this Ordinance. In lieu of the completion of any improvements required as a condition for the approval of a final application, including improvements or fees required, the subdivider/ developer shall deposit with the Borough a financial security acceptable to the Borough Council in an amount sufficient to cover the costs of such improvements or common amenities including, but not limited to, roads, storm water detention and/or retention basins and other related drainage facilities, recreational facilities, open space improvements, or buffer or screen plantings which may be required.

The applicant shall not be required to provide financial security for the cost of any improvements for which security is required and provided to PennDOT in connection with the issuance of any occupancy permit. Such financial security shall provide for, and secure to the public, the completion of any improvements which may be required within the period fixed in this Ordinance for such completion. The Borough shall be identified on such security as a party to be notified in the event that said security is canceled, revoked or redeemed by the holder thereof.

2. Without limitation as to other types of financial security which the Borough may approve, which approval shall not be unreasonably withheld, Federal or Commonwealth chartered lending institution irrevocable letters of credit and restrictive or escrow accounts in such lending institutions shall be deemed acceptable financial security for the purposes of this section.
3. Such financial security shall be posted with a bonding company or Federal or Commonwealth chartered lending institution chosen by the party posting the financial security, provided said bonding company or lending institution is authorized to conduct such business within the Commonwealth.
4. Such bond, or other security shall provide for, and secure to the public, the completion of any improvements which may be required on or before the date fixed in the formal action of approval or accompanying agreement for completion of the improvements.
5. The amount of financial security to be posted for the completion of the required improvements shall be equal to one hundred ten (110%) percent of the cost of completion estimated as of 90 days following the date scheduled for completion by the developer. Annually the Borough may adjust the amount of the financial security by comparing the actual cost of the improvements which have been completed and the estimated cost for the completion of the remaining improvements as of the expiration of the 90th day after either the original date scheduled for completion or a rescheduled date of completion. Subsequent to said adjustment, the Borough may require the applicant to post additional security in order to assure that the financial security equals but does not exceed said 110%. Any additional security shall be posted by the applicant in accordance with this subsection.
6. The amount of financial security required shall be based upon an estimate of the cost of completion of the required improvements, submitted by an applicant and prepared by a professional engineer licensed as such in this Commonwealth and certified by such engineer to be a fair and reasonable estimate of such cost. The Borough, upon the recommendation of the Borough Engineer, may refuse to accept such estimate for good cause shown. If the applicant and the Borough are unable to agree upon an estimate, then the estimate shall be recalculated and recertified by another professional engineer licensed as such in the Commonwealth and chosen mutually by the Borough and the applicant. The estimate certified by the third engineer shall be presumed fair and reasonable, and shall be the final estimate. In the event that a third engineer is so chosen, fees for the services of said engineer shall be paid equally by the Borough and the applicant.
7. If the party posting the financial security requires more than one year from the date of posting of the financial security to complete the required improvements, the amount of financial security may be increased by an additional ten percent (10%) for each one-year



period beyond the first anniversary date from posting of financial security [or] to an amount not exceeding one hundred and ten percent (110%) of the cost of completing the required improvements as reestablished on or about the expiration of the preceding one-year period by using the above bidding procedure.

8. In the case where development is projected over a period of years, the Borough Council may authorize submission of final plans by section or stages of development subject to such requirements or guarantee
9. As the work of installing the required improvements proceeds, the party posting the financial security may request the Borough Council to release or authorize the release, from time to time, such portions of the financial security necessary for payment to the contractor or contractors performing the work. Any such requests shall be in writing addressed to the Borough Council, and the Borough Council shall have forty-five (45) days from receipt of such request within which to allow the Borough Engineer to certify, in writing, to the Borough Council that such portion of the work upon the improvements has been completed in accordance with the approved application. Upon such certification, the Borough Council shall authorize release by the bonding company or lending institution of an amount as estimated by the Borough Engineer fairly representing the value of the improvements completed or, if the Borough Council fails to act within said forty-five (45) day period, the Borough Council shall be deemed to have approved the release of funds as requested. The Borough Council shall, prior to release at the time of completion and certification by its Engineer, retain ten percent (10%) of the estimated cost of the remaining improvements.
10. Where the Borough Council accepts dedication of all or some of the required improvements following completion, the Borough Council shall require the posting of financial security to secure structural integrity of said improvements as well as the functioning of said improvements in accordance with the design and specifications as depicted on the final plan for a term of eighteen (18) months from the date of acceptance of dedication. Said financial security shall be of the same type as otherwise required in this section with regard to installation of such improvements, and the amount of the financial security shall be fifteen (15%) percent of the actual cost of installation of said improvements.
11. If water mains or sanitary sewer lines, or both, along with apparatus or facilities related thereto, are to be installed under the jurisdiction and pursuant to the rules and regulations of a public utility or Municipal Authority separate and distinct from the Borough, financial security to assure proper completion and maintenance thereof shall be posted in accordance with the regulations of the controlling public utility or Municipal Authority and shall not be included with the financial security as otherwise required by this section.
12. If financial security has been provided in lieu of the completion of improvements required as a condition for approval of the final application as set forth in this section, the Borough shall not condition the issuance of building, grading or other permits relating to the erection or placement of improvements, including buildings, upon the lots or land as depicted upon the final plan upon actual completion of the improvements depicted upon the approved final plan. Moreover, if said financial security has been provided, occupancy permits for any building or buildings to be erected shall not be withheld following: the improvement of the streets providing access to and from existing public roads to such building or buildings to a

mud-free or otherwise permanently passable condition, as well as the completion of all other improvements as depicted upon the approved plan, either upon the lot or lots or beyond the lot or lots in question if such improvements are necessary for the reasonable use of or occupancy of the building or buildings.

h. Release from Improvement Bond

1. When the developer has completed all of the necessary and appropriate improvements, the developer shall notify the Borough Council, in writing, by certified mail, of the completion of the aforesaid improvements and shall send a copy thereof to the Borough Engineer. The Borough Council shall within ten (10) days after receipt of such notice, direct and authorize the Borough Engineer to inspect all of the aforesaid improvements. The Borough Engineer shall, thereupon, file a report, in writing with the Borough Council, and shall promptly mail a copy of the same to the developer by certified mail. The report shall be made and mailed within thirty (30) days after receipt by the Borough Engineer of the aforesaid authorization from the Borough Council; said report shall be detailed and shall indicate approval or rejection of said improvements, either in whole or in part, and if said improvements, or any portion thereof, shall not be approved by the Borough Engineer, said report shall contain a statement of reasons for such non-approval.
2. The Borough Council shall notify the applicant, within 15 days of receipt of the Engineer's report in writing by certified mail of the action of said Borough Council with relation thereto.
3. If the Borough Council or the Borough Engineer fails to comply with the time limitation provisions contained herein, all improvements will be deemed to have been approved and the applicant shall be released from all liability pursuant to its performance guaranty bond or other security agreement.
4. If any portion of the said improvements shall not be approved by the Borough Council, the applicant shall proceed to complete the same and upon completion, the same procedure of notification, as outlined herein, shall be followed.
5. The Borough Engineer shall be a duly registered professional engineer employed by the Borough or engaged as a consultant thereto.
6. The foregoing procedures for "Release from Improvement Bond" shall also be applicable to requests for partial releases of not less than twenty-five (25%) percent each; provided, however, that if the applicant requests such partial releases, he/she shall be responsible for all related costs of the Borough Engineer.

i. Remedies to Effect Completion of Improvements

1. In the event that any improvements which may be required have not been installed as provided in this Ordinance or in accord with the approved final plan, the Borough Council may enforce any corporate bond, or other security by appropriate legal and equitable remedies. If the proceeds of such bond, or other security are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by said security, the Borough Council may, at its option, install part of such improvements in all or part of the subdivision or land development and may institute appropriate legal or

equitable action to recover the moneys necessary to complete the remainder of the improvements. All of the proceeds, whether resulting from the security or from any legal or equitable action brought against the subdivider/developer, or both, shall be used solely for the installation of the improvements covered by such security, and not for any other Borough purposes. Further, the Borough Council shall not be obliged to expend general revenues of the Borough to complete improvements for which the security is or becomes inadequate.

2. In the further event that the Borough Council acts to realize the proceeds of the security and to effect the completion of improvements, it shall do so in its governmental capacity and shall not be deemed to be acting in the capacity of the subdivider or developer.

j. Recording Plans. See Section 205.

k. Information to Be Provided with Final Plan Application

In addition to the other requirements specified herein, the final application shall contain the following information which shall be prepared by the applicant's professional.

1. Drafting Standards.

1. The plan shall be drawn at a standard scale, such as one (1) inch equals fifty (50) feet or one (1) inch equals one hundred (100) feet. Plans showing proposed construction, including, but not limited to, grading, piping and other improvements, shall be drawn at a standard scale, such as one (1) inch equals fifty (50) feet.
  - a. Dimensions shall be set in feet and decimal parts thereof; and bearings in degrees, minutes and seconds.
  - b. Each sheet shall be numbered and shall show its relationship to the total number of sheets.
  - c. Where a re-subdivision is proposed, or when the plan is a revision of a previously approved plan, dotted lines shall be used to show lot lines to be abandoned and solid lines to show the currently proposed lot lines.
  - d. Notations of revisions shall be dated.
  - e. The plan shall be so prepared and bear an adequate legend to indicate clearly which features are existing and which are proposed.
  - f. The boundary line of the subdivision or land development shall be shown as a solid heavy line.
  - g. Final plans shall be on standard sized sheets, such as eighteen by twenty-four (18 x 24) inches, twenty-four by thirty-six (24 x 36) inches or thirty-six by forty-eight (36 x 48) inches, and all lettering shall be so drawn as to be legible if the plan should be reduced to half size.
2. Primary control points, approved by the plan preparer, or description and "ties" to such control points, to which all dimensions, angles, bearings, and similar data on the plan shall be referred.
3. Tract boundary lines, right-of-way lines of streets, easements, and other rights-of-way, and property lines of residential lots and other sites with accurate dimensions, bearing, or deflection angles, and radii, arcs, and central angles of all curves.

4. Accurate distances and directions to the nearest established street corners or official monuments. Reference corners shall be accurately described on the plan.
5. Accurate locations of all existing and recorded streets intersecting the boundaries of the tract and the names of such streets.
6. Location, dimensions, and purpose of easements, including any limitations on such easements.
7. Number to identify each lot and/or site, and street numbers of lots.
8. Accurate dimensions and purposes for any property to be dedicated or reserved for public, semi-public or community use.
9. Building lines on all lots and other sites.
10. Profiles of streets and alleys showing grades at minimum scale of fifty (50) feet horizontal and ten (10) feet vertical, or other scale pre-approved by the Borough Engineer.
11. Cross sections for the entire width of each right-of-way of the streets and alleys showing the width of the right-of-way, width of cartway, location and width of sidewalks, and location and size of utility mains.
12. Names of record owners of adjoining un-platted land.
13. Reference to recorded subdivision applications of adjoining platted land by record name, date and number.
14. Certification by licensed Surveyor certifying to accuracy of survey, and certification by the professional plan preparer stating that the information in the application is accurate, to the best knowledge of the plan preparer. Boundary surveys and surveys of new or revised lot lines must be certified by a licensed surveyor. See formats in Section 206.
15. Proposed Protective Covenants running with the land, if any, that affect the development.
16. Proposed contours at vertical intervals as required by the Borough Engineer.
17. The Plan shall have lettered upon it a statement delineating the areas proposed to be dedicated for such public uses as streets, alleys, public schools, parks or any other public use, and there shall be attached to the application a certificate of title certifying the ownership of all such lands to be so dedicated by said application.
18. Plans and profiles of proposed sanitary and/or storm water sewers, with grades and pipe sizes indicated, and a plan of any proposed water distribution system showing pipe sizes and location of valves and fire hydrants.
19. Location of all watercourses and detention ponds, whether public or private.
20. All dimensions shall be shown in feet and hundredths of a foot.

21. The final plan shall show or be accompanied by the following information:

- a. Site plan (on separate sheet), showing:
  - 1) Name of subdivision or land development.
  - 2) Name and address of owner/applicant.
  - 3) Tax parcel number(s) of the site.
  - 4) Name, address and seal of the engineer or surveyor responsible for the plan.
  - 5) Zoning requirements, including:
    - [a] Applicable district and district boundaries.
    - [b] Maximum density or intensity permitted, if applicable.
    - [c] Lot size and yard requirements.
    - [d] Open space and impervious surface ratios, if applicable.
    - [e] Any variances or special exceptions granted.
  - 6) Proposed standards:
    - [a] Density.
    - [b] Open space ratio.
    - [c] Impervious surface ratio.
    - [d] Dwelling unit or nonresidential use mix, if known.
    - [e] Size of units (in bedrooms) or square footage of nonresidential buildings, if known.
  - 7) showing relation of site to streets within four hundred (200) feet.
  - 8) North arrow.
  - 9) Written and graphic scales.
  - 10) Total acreage of the site, both gross and net.
  - 11) A complete accurate survey of the property to be subdivided or developed, showing all courses, distances, and tie-ins to all adjacent intersections and areas.
  - 12) Location of all existing monuments.
  - 13) Boundaries of all adjoining properties, with last known names of landowners.
  - 14) Existing cartways of streets on and adjacent to the site with existing and ultimate rights-of-way.
  - 15) Existing principal buildings (and their respective uses), sewage disposal systems, wells, driveways, sewer lines, storm drains, culverts, bridges, utility easements, quarries, railroads, and other significant man-made features within one hundred (100) feet of and within the site.
  - 16) Pursuant to the Pennsylvania One Call Act, the locations of all underground utility lines with indications as to ownership, size, and widths of rights-of-way or easements.
  - 17) The proposed layout:
    - [a] Outline of the building envelopes, existing building locations, and proposed building locations. *If an exact building outline is not known for a subdivision, the plan may show a typical building location within the building envelope.*
    - [b] The layout of streets, including widths of cartways and existing and ultimate rights-of-way; and proposed improvements pursuant to Section 204g.2.h)4). The Borough Council shall retain exclusive jurisdiction to accept dedication of any street.
    - [c] The lot layout with exact dimensions, areas and uses of lots, building

setback lines, and rear and side yard lines.

- [d] The arrangement and use of buildings and parking areas in nonresidential developments and multifamily residential developments with all necessary dimensions and number of parking spaces. Elevations and perspective sketches of proposed buildings are encouraged.
  - [e] Open space areas, and indication as to whether offered for dedication.
  - [f] Any recreational facilities or trails.
  - [g] Rights-of-way and/or easements for all drainage facilities, utilities or other purposes.
  - [h] Sidewalks and pedestrian paths.
  - [i] Street lights.
  - [j] Fire hydrants.
  - [k] Monuments and markers.
  - [l] Gas mains.
  - [m] Water mains.
  - [n] Driveway locations.
  - [o] Locations of private sewer systems, if applicable.
- 18) The applicant shall provide evidence that they are the landowner, equitable owner, or otherwise have written permission from the landowner to submit the application, such as a deed, agreement of sale or written signed authorization from the landowner.

- b. Where the subdivision or land development is proposed to be developed in sections, a delineation of and numbering of the sections in their proposed order of development.
- c. Where the final plan covers only a portion of the applicant's entire tract, a sketch plan shall be submitted of a feasible future subdivision or land development of the remainder of the site. Said sketch plan shall be drawn in accordance with the approved preliminary plan and the approved schedule of sections.
- d. Sedimentation and control plan, prepared in accordance with standards and specifications of LCCD (on separate sheet).
- e. Storm water management plan (on separate sheet), as specified in Section 204g.2. hereof.
- f. Sewer plan in accordance with Section 204g.2. hereof.
- g. Landscaping and grading plan in accordance with Section 204g.2. hereof.
- h. Improvement construction plan (drainage and construction) prepared by an engineer. The improvement construction plan shall be at a horizontal scale on the plan and profile of fifty (50) feet to the inch and a vertical scale on the profile of five (5) feet to the inch. It shall contain the following:
  - 1) Horizontal plan (streets):
    - [a] Center line with bearings, distances, curve data and stations corresponding to the profile.
    - [b] Right-of-way and curb lines with radii at intersections.
    - [c] Beginning and end of proposed construction.

- [d] Tie-ins by courses and distances to intersections of all public streets, with their names and widths.
  - [e] Location of all proposed monuments with reference to them.
  - [f] Property lines and ownership of abutting properties.
  - [g] Location and size of all drainage structures, sidewalks, public utilities, lighting standards, street trees and street name signs.
- 2) Profile (streets):
- [a] Profile of existing ground surface along the center line and both right- of-way lines of streets.
  - [b] Proposed center line grade with percent on tangents and elevations at fifty-foot intervals, grade intersections and either end of curb radii.
  - [c] Vertical curve data, including length, tangent elevations and minimum sight distance as required in Section 304.e.2.
- 3) Cross section (streets):
- [a] Right-of-way width and location, and width of paving.
  - [b] Type, thickness and crown of paving.
  - [c] Type and size of curb.
  - [d] Grading of sidewalk area.
  - [e] Location, width, type and thickness of sidewalks.
  - [f] Typical location of sewers and utilities, with sizes.
- 4) Horizontal plan (storm drains and sanitary sewers):
- [a] Location and size of line with stations corresponding to the profile.
  - [b] Location of manholes or inlets with grades between and elevations of flow line and top of each manhole or inlet.
  - [c] Property lines and ownership, with details of easements where required.
  - [d] Beginning and end of proposed construction.
  - [e] Location of laterals and wyes.
  - [f] Location of all other drainage facilities and public utilities in the vicinity of storm and/or sanitary sewer lines.
  - [g] Hydraulic design data for culverts and/or bridge structures.
  - [h] Profile (storm drains and sanitary sewers):
    - 1) Profile of existing ground surface with elevations at top of manholes or inlets.
    - 2) Profile of storm drains or sanitary sewers showing type and size of pipe, grade, cradle, manhole and inlet locations.
- i) Common facilities. Draft agreements to ensure proper long-term management and maintenance of any private streets, detention basins, common facilities or open space, if applicable, which shall be subject to acceptance by the Borough Solicitor.
- j) Additional Requirements and Notes on Plan.
- 1) All offers of dedication and covenants governing the reservation and maintenance of un-dedicated open space, bearing certificate of approval of the Borough Solicitor.
  - 2) Such private deed restrictions, including building setback lines, as may be imposed upon the property as a condition of sale, together with a statement of any restrictions

previously imposed that may affect the title to the land being subdivided.

- 3) All required permits and related documentation from DEP where any alteration or relocation of a stream or watercourse is proposed.
  - 4) A notice on the plan stating that access to any highway under the jurisdiction of PennDOT shall be only as authorized by a Highway Occupancy Permit pursuant to §420 of the Act of June 1, 1945 (P.L. 1242, No. 428), known as the "State Highway Law".
- k) A written agreement regarding public improvement guarantees pursuant hereof.
- l) Supporting Documents. The following supporting documents shall also be submitted in conjunction with the final plan:
- 1) Evidence showing that all general taxes on the subject property have been paid in full to date, and that all special taxes or assessments, have been paid or discharged in full or that the court under which such assessments were made has entered an order redistributing the assessments against the land platted.
  - 2) A statement signed by the subdivider/developer, setting forth the public improvements he/she proposes to make, together with plans, specifications, and estimates of cost therefore.
  - 3) A certification that utility companies serving the area of the proposed subdivision or land development have been consulted with respect to the size, location, and use of easements for utility purposes.
  - 4) An affidavit that the applicant is the owner, equitable owner or has permission of the owner to submit the plan. See format on the application form.
  - 5) Location and method of street lighting facilities.
  - 6) Deed of dedication including dimensions of streets and other public property.
  - 7) Front yard setback lines, the minimum as fixed by the Zoning Ordinance, and any other setback or street lines established by this Ordinance and those specified in the deed restrictions.
  - 8) At the time of filing, the Final Application shall be accompanied by a check payable to the Borough in an amount consistent with the requirements of Article 5 hereof, including escrow fees for professional consultants.
  - 9) Where required under State regulations, issuance of a PennDOT Highway Occupancy Permit shall be an automatic condition of any subdivision or land development, and a copy of such Permit shall be submitted to the Borough when it is issued.
  - 10) Prior to authorization to record the Final Plan, the applicant shall submit to the Borough a duly completed and executed completion bond with corporate surety



posted with the Borough by the subdivider/developer, in an amount equal to the estimate as certified by the Borough Engineer, and which the Borough Solicitor determines is valid, and enforceable by the Borough securing the satisfactory completion of the public improvements in strict accordance with the description, plans and specifications submitted by the subdivider/ developer, and approved by the Borough Council; or

- [a] a certification that the improvements, utilities and facilities have already been installed; or
- [b] an acceptable instrument of financial security, payable to the Borough and adequate for the completion of these improvements, sewage disposal facilities and other utilities and facilities.

## 206. RECORDING AND RECORD PLAN.

- a. After approval of the final plan for a subdivision or land development, the applicant shall prepare a *PDF copy and at least one paper print* thereof which shall be submitted to the Borough. See provisions below regarding signatures and certifications on the Record Plan. Upon the approval of the final plan, the developer shall within ninety (90) days of such final approval, or 90 days after the date of an approved plan signed by the Planning Commission Chairperson, following completion of conditions imposed for such approval, whichever is later, record such plan in the Office of the Lackawanna County Recorder of Deeds. A copy of the County's proof of the recording shall be provided by the developer to the Borough. If the plan is not recorded within the time limit of this Section 206, the Borough may determine that the approval has lapsed and become void. One paper print shall be submitted to the County Recorder of Deeds, one paper print shall be retained by the Borough, and one paper print shall be returned to the applicant.
- b. Recording the final plan shall be an irrevocable offer to dedicate all streets and other public ways to public use, and to dedicate all recreation areas and other public areas to public use, if such dedication was approved as part of the Final Plan. The approval of the final application shall not impose any duty upon the Borough Council or Archbald Borough concerning maintenance of improvements, until such time as the Borough may accept dedication.
- c. The record plan shall be a clear and legible paper print and shall be an exact copy of the approved final plan on a sheet of the size required for recording. See the current requirements of the County Recorder of Deeds for submittal, such as the maximum paper size.
  - 1. The following information shall appear on the record plan, in addition to the information required in Section 203f. hereof:
    - a. Seals. The seal of the professional land surveyor who prepared the survey if a new lot or revised lot line is involved. The seal of the professional engineer, registered architect, professional land surveyor, or registered landscape architect who oversaw the preparation of the plan.
    - b. Acknowledgments and Certifications on the Record Plan.
      - 1) A signed notarized statement from the owner of the land (or authorized representatives of a corporate owner) stating that the plan was submitted with his/her consent. See format on the SALDO Application Form.
      - 2) A signed notarized statement from the developer of the land, if the developer is different from the owner. See format on the SALDO Application Form.
      - 3) A signed, dated and stamped certification by a surveyor that shall read as follows, or closely similar language:

I hereby certify that I am a licensed Professional Land Surveyor, licensed in compliance with the laws of the Commonwealth of Pennsylvania: that this is a true and accurate survey completed by me on (date); that all the markers and monuments shown on the plan as existing actually exist; and that no encroachments, rights-of-way or easements exist except as shown herein.

- c. A signed, dated and stamped certification by a professional engineer, registered architect, registered landscape architect or professional surveyor that shall read as follows, or closely similar language:

The undersigned hereby certifies that the subject plan and related submitted materials bearing his/her seal are true and accurate and were prepared by him/her or under his/her direct supervision. The undersigned further certifies that the above are of adequate design in accordance with accepted engineering standards and that, to the best of his/her knowledge, all requirements of the Archbald Borough Subdivision and Land Development Ordinance have been met, except for specific matters that were waived or modified by the Borough.

- d. Signatures:

1. The signature of the Borough Engineer, acknowledging that a review has been completed.
2. The signatures of the Planning Commission Chairperson *and Secretary*.
3. The signature of the plan reviewer of the LCRPC to show evidence that the LCRPC was provided an opportunity for review.

- d. After completion of any improvements, an As-built Plan shall be submitted by the developer to the Borough.

ARTICLE 3  
DESIGN STANDARDS

301 LAND REQUIREMENTS

Land shall be suited to the purposes for which it is to be subdivided/developed. In general, the Borough shall take the following factors into consideration prior to the approval of any subdivision or land development plan.

- a. A subdivision or land development laid out on low-lying land that is subject to periodic flooding shall not be approved unless it is proven that adequate safeguards against such hazards are provided by the plan; provided further that it complies with the Borough Floodplain Ordinance, as amended.
- b. All portions of a site being subdivided shall be taken up in lots, streets, public lands or other proposed uses such as common open space or other common areas, so that remnants and landlocked areas shall not be created.
- c. In general, lot lines shall follow municipal boundary lines rather than cross them.
- d. The developer shall conform to all applicable performance standards, including, but not limited to, those contained in the Zoning Ordinance.
- e. Subdivisions and land developments shall be laid out so as to avoid the necessity for excessive cut or fill.
- f. Land subject to subsidence and land deemed to be topographically unsuitable, may not be platted for residential use or for such other uses as may increase danger to health, life or property until all such hazards have been eliminated or unless adequate safeguards against such hazards are provided by the subdivision or land development plans. Such land within the subdivision or land development shall be set aside on the plan for uses that shall not endanger life or property or further aggravate or increase the existing menace.

302 STREET SYSTEM

The arrangement, character, extent, width, grade, and location of all streets shall conform to any Official Map, and shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed use of the land to be served by such streets. Where not shown on any Borough Official Map, the arrangement and other design standards of streets shall conform to the provisions found herein. The arrangement of streets in new subdivision or land developments shall make provisions for the continuation of existing streets in adjoining areas, unless the Borough deems such extension undesirable for specific reasons of topography or design.

- a. Proposed streets shall conform to any borough, county, and state road or highway plans which have been prepared, adopted, and/or filed, as required by law.
- b. New alleys shall need approval as part of a subdivision or land development. The Borough may require that a process be instituted to provide for proper upgrade of an existing alley and proper maintenance of an

alley, without dedication to the Borough. In commercial and industrial areas adequate access drives shall be provided where needed for access to loading and unloading facilities. The Borough may require that any alley be maintained by a property-owners association.

- c. Local streets shall be laid out so as to discourage through-traffic, but provision for street connection to adjacent areas will generally be required.
- d. Whenever the proposed Subdivision or land development contains or is adjacent to a highway designated as a "Limited Access Highway" by the appropriate highway authorities, provision shall be made as necessary for a parallel local street at a distance acceptable, for the appropriate use of the land between the highway and such street. The Borough may also require rear service alleys, reverse frontage lots or such other treatment which will provide protection for abutting properties, reduction in the number of intersections with major streets, and separation of local and through traffic.
- e. Names of new streets shall not duplicate the spelling or pronunciation of existing or approved street names, or approximate such names with only a different suffix (such as "avenue" vs. "street"). In approving names of streets, cognizance may be given to existing or approved street names within the same zip code. New streets shall bear the same name of any continuation or alignment with an existing or approved street.
- f. Dead-end streets shall be prohibited, except as stubs to permit future street extension into adjoining tracts, or when improved as cul-de-sacs. Stub streets shall be properly closed to through traffic until such time as the street is extended. The Borough may require that a pedestrian trail connection be included as part of a stub. Where it is desirable in the opinion of the Borough to provide street access to adjoining property, proposed street rights-of-way shall be extended to the boundary of such property. Where the stub would be longer than one hundred feet long, the Borough may require that the developer only provide the right-of-way, and that the developer that would connect to the stub complete the additional length in the future. Where an existing street dead ends without a turnaround, and a subdivision or land development is proposed near the end of the dead end, the Borough may require that at least a "K-type" turnaround be installed with an easement allowing use by the public. *Methods of road access shall be subject to review by the Fire Chief, and Borough approval may be denied if it is determined by the Planning Commission that the application does not have sufficient access for emergency vehicles.*
- g. New reserve strips, including those controlling access to streets shall be prohibited.
- h. The location of a collector street in the proposed subdivision or land development shall conform to any general alignment included in the Borough's Comprehensive Plan.
- j. Streets shall be functionally related to the topography so as to produce usable lots and reasonable grades in accordance with the standards set forth herein.
- k. If lots resulting from the proposed subdivision are large enough to permit re-subdivision, or if a portion of the tract is not subdivided, adequate street rights-of-way to permit further subdivision shall be provided as necessary.
- l. All streets shall be graded to the full width of the right-of-way. In wooded areas this may be modified to preserve existing trees.

- m. Streets shall be laid out to avoid hazard areas such as floodplains, cliffs, steep slopes or ravines. A secondary means of access to a higher order street that avoids the same hazard area shall be provided when one of the access streets serving a subdivision or land development of more than twenty dwelling units traverses a hazard area.
- n. Improvements shall be made to existing streets abutting the proposed subdivision or land development. The type of improvements shall be determined by the classification and standards required of said street, pursuant to Section 402c.
- o. Stub streets greater in length than one (1) lot depth shall be provided with a turnaround designed to meet the standards required for cul-de-sacs and shall be provided with sufficient rights-of-way to permit the further extension of the street onto the adjacent property.
- p. All street names shall be approved by the Borough Council.
- q. Any applicant who encroaches within the legal right-of-way of a state highway is required to obtain a highway occupancy permit from PennDOT.

### 303 CUL-DE-SAC STREETS.

- a. Cul-de-sacs shall be constructed with a minimum paved width of *fourteen (14)* feet in width, and shall be designed for one-way counter-clock-wise circulation. The internal circle area of a residential cul-de-sac shall be seeded and maintained as a vegetated area, with any curb in the center being mountable by emergency vehicles. *Any landscaped area in the middle of a turnaround shall include an appropriate system for maintenance, such as by a homeowner association or the owner of a rental development.* The end of a cul-de-sac shall have an area designed to allow snow to be plowed straight off the road, with the snow storage easement. Such area shall be designed to allow proper drainage as a snow pile melts, and the width of the easement shall be free of driveways and mail boxes. If the phased construction of a street will allow a temporary cu-de-sac, the end of the street shall include a turnaround which may be constructed of crushed stone. *If a temporarily phased cul-de-sac street would be longer than would otherwise be allowed, the Borough may condition the construction of the temporary cul-de-sac street upon approval of a phasing plan and/or provision of financial security to ensure the timely connection of the street.*
- b. Cul-de-sacs in residential and commercial developments shall be provided at the closed end with a paved turn-around having a minimum radius to the outer pavement edge or curb line of forty (40') feet. The right-of-way shall be measured a minimum of 10 feet around a cul-de-sac.
- c. Cul-de-sacs in industrial developments shall be provided with a paved turn-around having a minimum radius to the outer pavement edge or curb line of fifty (50') feet.
- d. When the Planning Commission (after requesting advice of the Borough Engineer) determines it necessary for adequate access and egress to the subject property and/or adjacent property regardless of overlay, the right-of-way shall be placed adjacent to a property line and a right-of-way of the same width as the street shall be carried to the property line in such a way as to permit future extension of the street into the adjoining tract.

- e. Temporary dead end streets, on approved plans, may be used, provided that the developer, on his/her own land, constructs a stabilized all weather turn-around of the same radius as would be required for a permanent street, and the turn-around shall be removed when the street is continued.
- f. Permanent cul-de-sac streets shall not exceed *eight hundred (800) feet*, unless topographic conditions warrant an increase when approved by the Planning Commission, after requesting advice of the Borough Engineer. The cul-de-sac length shall be measured along the centerline of the cul-de-sac street from the edge of the right-of-way of the nearest street that does not function as part of a cul-de-sac street. The length shall then continue to the end of the cul-de-sac turnaround.
- g. Permanent cul-de-sac streets have a minimum length of two hundred and fifty (250') feet, unless there are extenuating circumstances which warrant a decrease when approved by the Planning Commission, after requesting advice of the Borough Engineer. Such street shall be designed to meet PennDOT standards for liquid fuel funds.

### 304 STREET STANDARDS

#### a. Classification of Streets

1. Streets shall be classified in accordance with the definitions in Section 106.
2. The determination of traffic volumes applicable to the classification of streets shall be based on the data presented from the Institute of Traffic Engineering (ITE) or other recognized traffic authorities.
3. New streets will be classified according to the ADT that may be expected to use the street, pursuant to the ITE or other recognized traffic authorities. If, however, such streets shall be classified on the basis of a traffic impact study, Section 204.f. hereof, such a classification shall be approved by the Planning Commission, after requesting advice of the Borough Engineer. If a new street will serve as a stub, its classification must be based on the ultimate traffic to be generated upon full development.

#### b. Street Right-Of-Way Widths

1. Minimum street right-of-way widths, measured from the lot line, shall be as shown on any Official Map of the Borough, or if not shown thereon, shall meet the following standards:
 

|                      |                       |
|----------------------|-----------------------|
| a) Arterial:         | 80 foot right-of-way* |
| b) Collector Street: | 60 foot right-of-way  |
| c) Local Street:     | 50 foot right-of-way  |

\* Or such width as may be determined by PennDOT for a State road.

2. Where a subdivision or land development abuts or contains an existing street of inadequate right-of-way width, additional right-of-way width in conformance with the above standards shall be required.

3. Pavement and Cartway Widths. Minimum cartway widths shall meet the following standards, unless the Planning Commission determines a different width is appropriate to match an existing street segment or to handle the anticipated traffic:

|                      | <u>Cartway Width (feet)</u> | <u>Each Shoulder<br/>Or Parking Lane (feet)</u> |
|----------------------|-----------------------------|-------------------------------------------------|
| a) Arterial:         | 24                          | 10                                              |
| b) Collector Street: | 22                          | 8                                               |
| c) Local Street:     | 20                          | 7                                               |

The Planning Commission shall request the advice of the Borough Engineer regarding street widths. *If the Planning Commission determines that a development is likely to result in substantial parking on both sides of a local street, then a minimum cartway width of 34 feet shall be required.* If Planning Commission determines that a local street is unlikely to require continuous parking on both sides of the street on a regular basis, but is likely to require some use of on-street parking, then a minimum cartway width of 30 feet shall be allowed.

c. Horizontal Alignment

1. Whenever street lines are deflected in excess of five (5) degrees, connection shall be made by horizontal curves.
2. To ensure adequate sight distance, minimum center line radii for horizontal curves shall be as follows:
  - a) Arterial: 475 feet
  - b) Collector Streets: 275 feet
  - c) Local Streets: 150 feet

Sight distance shall be measured from a point five (5) feet above the proposed grade line.

3. A tangent of not less than 100 feet shall be required between all reversed curves.

d. Street Grades

1. Center line grades shall not exceed the following:

|                    |                     |
|--------------------|---------------------|
| Arterial:          | four ( 4%) percent  |
| Collector Streets: | seven ( 7%) percent |
| Local Street:      | ten (10%) percent*  |

- \* Center line grades on local streets may be increased to 15% for a distance of not more than 250 feet when the developer justifies the need to increase the grade; provided, however, that the provisions of Section 307 c. hereof are not subject to this modification.

2. Vertical curves shall be used at changes of grade exceeding one (1%) percent and shall be designed in relation to the extent of the grade change and to provide the following minimum sight distances:

|                   |                                     |
|-------------------|-------------------------------------|
| Arterial:         | four hundred (400) feet             |
| Collector Street: | two hundred seventy-five (275) feet |
| Local Street:     | two hundred (200) feet              |

3. Where the grade of any street at the approach to an intersection exceeds seven (7%) percent, a leveling area shall be provided having not greater than four (4%) percent grades for a distance of twenty-five (25) feet measured from the nearest right-of-way line of the intersecting street.
4. To provide for adequate drainage, the minimum grade shall be not less than one-half of one percent (0.5%).

e. Street Intersections

1. Streets shall be laid out to intersect as nearly as possible at right angles. No street shall intersect another at an angle of less than sixty (60) degrees.
2. Multiple intersections involving the junction of more than two streets are prohibited.
3. Intersections with major traffic streets shall be located not less than eight hundred (800) feet apart, measured from center line to center line, unless the Planning Commission determines that a lesser distance is appropriate due to the unusual dimensions of the site.
4. Streets entering opposite sides of another street shall be laid out either directly opposite one another or with a minimum offset of one hundred twenty-five (125) feet between their center lines.
5. The minimum curb radii at street intersections, which shall be concentric with the street line, shall meet PennDOT standards. In no instance shall curb radii be less than ten (10) feet for local streets and thirty-five (35) feet for higher order streets. Where streets of different categories intersect, the radius requirement of the higher order street shall apply.
6. On any corner lot, a clear sight triangle shall be shown on the plans. No wall, fence or other structure shall be erected or altered in a way that reduces visibility of on-coming traffic; and no tree, hedge, shrub, or other growth shall be maintained which may cause danger to traffic on a street by obscuring views of traffic, except for features that are less than 3 feet in height or canopies of trees that are cleared to at least 10 feet, measured from the grade of the adjacent street. A clear sight triangle shall be established, measured twenty (20) feet from the cartway of the intersecting street. Along a local street, the length of the leg of the sight triangle shall be three hundred (300) feet in each direction. Along a collector or arterial street, the length of the leg of the sight triangle shall be five hundred (500) feet in each direction, except three hundred feet may be used where the intersecting street is at an all-way stop or at a signalized intersection. If they do not obstruct the view of traffic, sign posts or trees not exceeding 18 inches in diameter shall be permitted in the clear-sight triangle.
7. Streets intersecting a street of higher classification, as defined herein, shall be designated as a stop street and shall be provided with proper signage.



f. Private Street. *A private street shall meet the same standards as a public street, unless a modification is approved by the Planning Commission.*

g. Driveways

8. *See the requirements for driveways in the Zoning Ordinance and PennDOT requirements for driveways that enter onto a State road. A Borough permit shall be required for all driveways entering onto a Borough street. If a new driveway would enter onto an arterial or collector road that is not a State road, then the applicant shall show compliance with the same PennDOT sight distance requirements that would apply if a State road would be involved.*
9. Private driveways, where provided, shall be located not less than forty (40) feet from the tangent point of the curb radius of any intersection and shall provide access to the street of lower classification when a corner lot is bounded by streets of two (2) different classifications as defined herein.
10. Driveway grades shall not exceed fifteen percent (15%).
11. *To the maximum extent feasible, a new private driveway shall not require backing out onto an arterial or major collector street. Driveways shall be so located and designed as to provide a reasonable sight distance.*
12. *Arterial and Collector Streets. When a PennDOT road is involved, PennDOT shall determine the extent of widening of the road. The Borough may require that additional right-of-way be set aside for future dedication along a State road, even if PennDOT does not require or accept the dedication. The Planning Commission may require that a new collector road be built or that a local road be upgraded to a collector road if necessary to serve the proposed development.*

305 BUILDING LINES

- a. Front yard building setback lines shall be provided as required by the Zoning Ordinance. On plans where sub-surface disposal is indicated, the distance from the right-of-way lines to the front yard building setback line shall be adequate to provide area for the sub-surface drainage field in accordance with the requirements of DEP.
- b. Side lot lines shall be substantially at right angles or radial to street lines.

306. LOTS

The arrangement and other design standards of lots shall conform to the following requirements:

- a. See the requirements of the Zoning Ordinance concerning access to a street.
- b. Double frontage lots shall not be platted, except that where desired along limited access highways, lots may face on an interior street and back on such thoroughfares. In that event, a planting strip for a screen, at least fifteen (15) feet in width, shall be provided along the back of the lot. Where lots back on a railroad, creek, or other natural barrier, there may also be required a fifteen (15) foot planting screen strip; and interior lots having frontage on two streets shall be prohibited except where unusual

conditions make it desirable.

- c. The ratio of the depth of any lot to its width shall not be greater than three to one, unless there is not a feasible alternative, *in the determination of the Planning Commission.*
- d. If remnants of land exist after subdividing, they shall be incorporated in existing or proposed lots, or dedicated to public use if acceptable to the Planning Commission.
- e. Lot size shall be controlled by the provisions of the Zoning Ordinance.
- f. Where a lot will be served by an on-lot septic system, testing shall be required by the local Sewage Enforcement Officer. A certificate from such official indicating that the proposed system location is adequate to meet State standards shall be required before final approval of the plan.

307. STOPPING SIGHT DISTANCE. PennDOT standards for minimum safe stopping sight distance shall be met along a street even if a State road is not involved.

308. OFF-STREET PARKING FACILITIES

- a. Minimum Design Standards. The parking design standards and parking space sizes in the Zoning Ordinance shall apply.
  - 1. Parking areas shall be designed to permit each motor vehicle to proceed to and from the parking space provided for it without requiring the moving of any other motor vehicles, except for spaces along an alley.
  - 2. All parking spaces shall be marked so as to provide for safe and orderly parking.
  - 3. Except at entrance and exit drives, all parking areas shall be set back from the right-of-way line and all property lines pursuant to the provisions of the Zoning Ordinance. The distance between this required setback and the cartway shall be maintained as a planting strip or planting strip and sidewalk.
  - 4. No more than twenty (20) parking spaces shall be permitted in a continuous row without being interrupted by landscaping for a minimum of ten (10) feet.
  - 5. No one (1) area for off-street parking of motor vehicles shall exceed eighty (80) cars in capacity. Separate parking areas on a parcel shall be physically separated from one another by ten-foot-wide planting strips.
  - 6. Parking lots shall not have a grade exceeding five percent (5%). No grade cut, fill, or height difference between terraced parking areas shall exceed four (4) feet unless approved by the Planning Commission.
  - 7. In no case shall parking areas be designed to require or encourage cars to back into a public street in order to leave the lot, but they may back onto an alley.
  - 8. Entrances and exits to and from off-street parking areas shall be located so as to minimize interference with street traffic.

9. For the purpose of servicing any property under single and separate ownership, entrance and exit drives crossing the street line shall be limited to two (2) along the frontage of any single street for each five hundred (500) feet of frontage, and their center lines shall be spaced at least eighty (80) feet apart. On all corner properties, there shall be a minimum spacing of sixty (60) feet, measured at the street line, between the center line of any entrance or exit drive and the street line of the street parallel to said drive.
10. The width of entrances and exit drives shall be the following, unless the applicant proves to the Planning Commission that a wider width is needed to provide for buses or trucks:
  - a) A minimum of fourteen (14) feet for one-way use only.
  - b) A minimum of twenty-five (25) feet for two-way use.
  - c) A maximum of thirty-five (35) feet at the street line.
11. Tire bumpers or curbing shall be installed so as to prevent vehicle overhang on any sidewalk area.
12. No less than a five-foot radius of curvature shall be permitted for all curbs in parking areas.
13. All dead-end parking areas shall be designed to provide sufficient backup area for the end stalls of parking area.
14. Pedestrian crosswalks in parking areas shall not be subject to passage or concentration of surface water.
15. All common parking areas shall be adequately lighted during after-dark operating hours. All light standards shall be protected from being hit from vehicles in the parking lot, such as being located within curbed parking islands.
16. All artificial lighting used to illuminate any parking space or spaces shall be so arranged that glare is not created for pedestrians, residents or motorists, with sufficient direction of the lighting. Nighttime lighting from a business property shall not result in a lighting level at ground level of more than 0.5 foot-candles inside a principal residential lot in a residential district. *If a subdivision or land development will include more than ½ acre of new impervious coverage, then a lighting plan shall be submitted by a qualified professional showing the maximum and minimum lighting levels and the proposed heights of lighting fixtures.*
17. Trees shall be planted in such a manner to afford maximum protection from the sun for parked vehicles.
18. Plantings shall be able to survive soot and gas fumes.
19. Trees that have low growing branches, gum or moisture that may drop on vehicles, blossoms, thorns, seeds or pods that may clog drainage facilities shall be avoided. The species of trees used to meet Borough requirements shall be subject to approval by the Borough.
20. Landscaped islands within a parking lot shall not be required for any lots of less than 20

spaces, but instead the trees may be around the parking lot.

309 STORM DRAINAGE The applicant shall design and the developer shall construct and/or install such stormwater management measures, on- and off-site, as are necessary to comply with the Borough's Storm Water Management Ordinance. When a PennDOT right-of-way is involved, there also is typically a requirement to meet the PennDOT Drainage Manual.

310 EASEMENTS

a. Minimum Widths

The following minimum widths of easements shall be observed, unless otherwise specified by the utility or where the Borough Engineer determines that a different width is necessary:

- |                                          |                      |
|------------------------------------------|----------------------|
| 1) Underground public utility facilities | - fifteen (15) feet. |
| 2) Overhead public utility facilities    | - ten (10) feet.     |
| 3) Drainage facilities                   | - twenty (20) feet.  |

Note – The Borough Stormwater Management Ordinance may also require an easement along a waterway.

b. Location

Easements for public utilities shall, wherever possible, be centered on side or rear lot lines. Drainage ways, (i.e. swales), channels, or stream easements may be located as necessary to adequately meet the engineering requirements for the facility.

c. Transmission Lines

Where natural gas, petroleum, or electric transmission lines are located within or adjacent to the Subdivision or Land Development, the Subdivider/Developer shall provide the Borough with a statement from the Utility Company involved setting forth any special conditions which may require that may affect the development.

d. Watercourses

Where a subdivision or land development is traversed by a watercourse, there shall be provided a drainage easement or right-of-way conforming substantially with the line of such watercourse and of such width as will be adequate to preserve natural drainage.

311 COMMUNITY FACILITIES.

- a. In reviewing subdivision or land development plans, the Borough should consider the adequacy of existing or proposed community facilities to serve the additional dwellings proposed by the subdivision or land development. *The applicant shall consider whether a pedestrian trail link is needed, and is encouraged to consider the provision of community gardens.*
- b. The subdivider shall plan the layout to preserve the natural features of the site.

- c. A developer may be required to provide land areas for utility improvements that are needed to serve the development, such as a water tank or sewage pumping station. In consultation with the utility provider, the developer may be required by the Borough to construct such utility improvements, or to contribute a fair share of the cost of construction.

### 312. RECREATION AREAS OR FEES.

- a. The Community Facilities section of the Borough Comprehensive Plan is approved as the Borough's Recreation Plan. Any new residential subdivision or land development shall be required to provide a minimum of 1,000 square feet for each new allowed dwelling unit. The land shall be suitable for public recreation purposes, unless a fee is approved in lieu of land or another modification is approved by the Planning Commission.
- b. Where a development is required to provide common open space under the Zoning Ordinance, a portion of the common open space may be counted as meeting the requirements of this Section, provided the land meets the requirements of both ordinances.
- c. Recreation areas shall be laid out in accordance with the best principles of site design. Where feasible, the recreation areas shall form part of an interconnecting open space system that extends throughout the development and connects to any adjacent recreation land or common open space. The following criteria shall be utilized to determine whether the recreation areas have been properly designed:
  - 1. Recreation areas shall be readily accessible to all development residents, or in the case of recreation areas dedicated to the Borough, shall be easily and safely accessible to the general public. At least one side of the recreation area shall abut a street for minimum distance of fifty (50) feet for access of emergency and maintenance vehicles.
  - 2. Recreation areas shall have suitable topography, drainage and soils for use and development of recreational activities.
  - 3. When active recreation activities are proposed that entail the construction and installation of recreational equipment or playing surfaces, a 50 feet wide setback shall be provided abutting any residential lots, *which includes lots occupied by multi-family dwellings.*
  - 4. Recreational areas shall not be traversed by streets or new above-ground utility easements unless said utilities area placed underground and no part of them or their supportive equipment protrudes above ground level.
  - 5. The shape of the recreational area shall be suitable to accommodate those recreation and open space activities appropriate to the location and needs of future residents, *which should be reviewed by the Recreation Commission.*
- d. The Borough Recreation Commission and Borough Council should be given the opportunity to review any proposed recreation land. The Borough shall not be required to accept dedication of recreation land unless Borough Council has agreed to accept such dedication. The Borough may accept or reject the dedication of any recreation area, and may determine that a proposed recreation land is unsuitable for the intended purpose. Where the recreation land is not accepted for public dedication, the Borough shall require that the applicant provide a suitable long-term process for maintenance and ownership of the land, such as acceptance in advance in writing by

the Borough, retention within a rental development, or maintenance by a legally binding homeowner association. If the land will be owned and maintained by a homeowner association, there shall be an enforceable system to collect funds necessary for the maintenance of the land from all property-owners within the development.

- e. The decision on whether land or fees will be required should be discussed at the Sketch Plan Stage, and shall be decided upon prior to Preliminary Plan approval.
- f. Alternative Procedure for Payment of a Recreation Fee. Where it is determined that a recreation fee shall be paid in lieu of providing recreation land, then such fee shall be used only for the purpose of providing park or recreational facilities accessible to the residents of the subject development. A fee in lieu of land shall also apply when an applicant is not able to provide recreation land that would meet Borough requirements. The amount of such recreation fee shall be \$ 900 (nine hundred dollars) per each allowed new dwelling unit included in the subdivision or land development.
- g. Alternatives. As a modification to the requirements of this Ordinance, the Planning Commission may approve a written request from the applicant for an alternative to the provision of recreation land or the payment of fees. This modification may allow a portion or all of the requirements to be offset by the applicant providing substantial recreation facilities within the development, or by completing specified improvements within another public recreation area.

### 313. DESIGN STANDARDS FOR COMMERCIAL AND INDUSTRIAL DEVELOPMENTS

- a. Goals. All development and building construction, including additions and exterior alterations and other site improvements and alterations, including paving, lighting and landscaping shall be designed and constructed to achieve the following goals:
  - 1. To prevent the erection of poorly designed, constructed or proportioned structures, and structures built of improper or unsuitable materials.
  - 2. To provide improvements that are suitable for a range of business enterprises over time.
  - 3. To foster a high quality of development to enhance the value of existing development as well as to enhance the attractiveness of vacant land for future development.
- b. Design Standards
  - 1. Construction Materials. *The Planning Commission may require that the applicant for a new principal commercial or industrial building describe the range of exterior building materials that will be used, and to provide a preliminary architectural sketch of the front façade. The fronts of all principal buildings shall not include plain exposed concrete block composition and shall not be primarily be constructed of corrugated metal.*
  - 2. Waste Disposal
    - a) No Lot shall be used as a dumping ground for trash. No trash shall be brought

onto any site from outside a development for storage, removal or disposal.

- b) All trash of any nature, shall be securely stored in covered sanitary containers. All containers and other equipment, and the areas and enclosures, for the storage and disposal of trash, shall be kept in a clean and sanitary condition.
  - c) All trash shall be properly and securely contained within each site and properly and regularly removed therefrom, and disposed as may be required by state and federal law, regulation and other requirements and standards governing same.
  - d) "Trash" shall mean to include all papers, discards, waste, rubbish, refuse and garbage, of any kind or nature whatsoever, and any malodorous and objectionable materials lying around or stored at each site but not customarily used in its then present condition in the business or activities of the site occupants.
  - e) Outdoor collection stations shall be provided for garbage and trash removal when indoor collection is not provided. Collection stations shall be screened from view and landscaped.
3. Mechanical/Electrical Equipment. All mechanical/electrical equipment not enclosed in a structure or building (such as on-grade, roof-top, etc.) shall complement, enhance and be compatible with the design and construction of the buildings and structures on each site. The color scheme of such equipment shall complement and be compatible with the color scheme of the building's exterior.
4. Landscaping
- a) All terrain, grounds, area left in natural state, or areas not covered by building or paving, shall be landscaped, seeded, and otherwise maintained in a good, clean condition having aesthetic appeal.
  - b) Each site and the landscaped areas shall be kept clean and free of any and all litter, refuse, and papers of any type. No litter, refuse or paper accumulations whatsoever shall occur, be placed on or remain at each Site.
  - c) Each site shall be developed, improved, used and maintained to preserve as many of the existing healthy trees as is practically possible.
  - d) See the requirements of Section 1304 of the Zoning Ordinance for minimum landscaped area requirements.

#### 314. STREET TREES

- a. See the requirements of Section 1304 of the Zoning Ordinance.
- b. The location of street trees shall be approved by the Planning Commission, after requesting input from the Borough Engineer. If the trees are not approved within the right-of-way, then they should be planted immediately outside of the right-of-way. *The Planning Commission may require statements on the plan that any required street tree that is removed must be replaced with a*

*new tree meeting Borough requirements, even if the tree is outside of the right-of-way.*

- c. Street trees shall be of nursery stock. They shall be of symmetrical growth, free of insects, pests and disease, suitable for street use, and in conformity with the standards of the American Association of Nurserymen.

### 315. CROSSWALKS

- a. Interior crosswalks may be required wherever necessary to facilitate pedestrian circulation and to give access to community facilities in blocks of over one thousand six hundred (1,600) feet in length.
- b. Such crosswalks shall have an easement width of not less than ten (10) feet and a paved walk of not less than four (4) feet. They shall be clearly marked by bollards, paving material, signing, lights or similar provisions to ensure their visibility to motorists.
- c. *For sidewalks, see Section 402.h.*

### 316. RESIDENTIAL DEVELOPMENTS

- a. Refuse Collection Stations
  - 1. Outdoor collection stations shall be provided for garbage and trash removal when individual collection is not made and indoor storage is not provided.
  - 2. Collection stations shall be located so as to be adequately separated from habitable buildings to avoid being offensive, but at the same time be convenient for both collectors and residents and shall be adequately screened and landscaped.
- b. Planting
  - 1. The appeal and character of the site shall be preserved and enhanced by retaining and protecting existing healthy trees and desirable topographic features.
  - 2. Additional plant material shall be added for privacy, shade, beauty of buildings and grounds, and to screen out objectionable features. See the buffer yard requirements in the Zoning Ordinance.

### 317. NON-RESIDENTIAL DEVELOPMENT ACCESS.

- a. Additional width of streets adjacent to areas proposed for non-residential use may be required as deemed necessary by the Planning Commission to assure the free flow of through traffic from vehicles entering or leaving parking/loading areas.
- b. When two (2) adjacent lots proposed for non-residential uses front on an arterial or major collector street, the applicant may be required to provide common ingress and egress as well as common parking facilities. When three (3) or more adjacent lots are proposed for non-residential uses, the applicant may be required to provide a shared driveway for common ingress and egress.



### 318. BUFFER YARDS

Buffer yards with plant screening are required in specified cases under the Zoning Ordinance.

### 319. PRESERVED OR COMMON OPEN SPACE

- a. *Section 312 establishes requirements for the provision of recreation land or the payment of recreation fees. Also, in some cases, Zoning Ordinance provisions require the preservation of common open space. The Zoning Ordinance also includes a definition of what lands may count as common open space, including stormwater management areas. All land set aside as preserved or common open space shall be so designated on the plans. The plans shall contain the following statement for lands in the categories listed in subsection B below or closely similar language approved by the Borough:*

"Common open space land may not be separately sold, nor shall such land be further developed or subdivided, except for uses approved by the Borough to be located within the open space."

- b. In designating the use of common open space and the type of maintenance to be provided on the plan, the following classes may be used:
1. Lawn. A grass area with or without trees that may be used by the residents for a variety of purposes and that shall be mowed regularly to insure a neat and tidy appearance.
  2. Natural area. An area of natural vegetation, undisturbed during construction or related activities. Such areas may contain pathways. Meadows shall be maintained as such and not left to become weed infested. Maintenance may be minimal, but shall prevent the proliferation of weeds and undesirable plants such as honeysuckle and poison ivy. Litter, dead trees and brush shall be removed, and streams shall be kept in free-flowing condition.
  3. Recreation area. An area designated for a specific recreation use, including, but not limited to, tennis, swimming, shuffleboard, playfield and tot lot. Such areas shall be maintained so as to avoid creating a nuisance, and shall perpetuate the proposed use.

### 320. CONVEYANCE AND MAINTENANCE OF COMMON OR PRESERVED OPEN SPACE

All common or preserved open space shown on the final plan as filed with the Borough and subsequently recorded in the Office of the Recorder of Deeds of Lackawanna County must be conveyed in accordance with the procedures set forth in the zoning ordinance.

### 321. MANUFACTURED/MOBILE HOME PARKS

Manufactured/Mobile Home Parks shall meet the requirements of the Zoning Ordinance. In addition, all Manufactured/Mobile Home Parks shall meet all of the submission, approval, improvement and other requirements of this Ordinance, except for differing provisions in this Section 321. Dwelling unit spaces shall be designed to be rented and not be separately sold, and therefore do not need to meet the surveying and other requirements of fee simple lots. An internal privately-maintained street within a Manufactured/Mobile Home Park shall have a minimum cartway width of 22 feet, provided that there are at least two off-street parking spaces for each dwelling unit and conveniently located

off-street parking area for guests. The parking spaces may back onto the internal private street. The internal private street is not required to have curbing, except where the Borough determines curbing is necessary for stormwater management purposes. Sidewalks are not required adjacent to internal private streets, provided there is a suitable internal pathway system that connects dwellings to major destinations.

ARTICLE 4  
REQUIRED IMPROVEMENTS

401 CONSTRUCTION STANDARDS

Construction standards for all required improvements shall be as set forth in Section 402, or where not set forth shall be in accordance with standards as established by the Borough upon advice of the Borough Engineer. Alternate improvement standards may be permitted if the Borough deems that they are equal or superior in performance characteristics to the specified improvements.

402 MINIMUM IMPROVEMENTS

- a. General. The minimum improvements required of all subdivision or land developments shall be as set forth in this section. Additional or higher type improvements may be required in specific cases where in the opinion of the Borough, they are necessary to create conditions essential to the health, safety, and general welfare of the citizens of the Borough.

b. Monuments and Markers

Monuments shall be placed so that the scored or marked point shall coincide exactly with the intersection of the lines to be marked, and shall be set so that the top of the monument or marker is level with the surface of the surrounding ground.

1. Monuments shall be set at the intersection of all lines forming angles in the boundary of the subdivision and at the intersection of street lines as determined by the Planning Commission. Monuments shall be of the following type, unless an alternative is pre-approved in writing by the Borough Engineer: Cut stone or concrete 5" x 5" x 2' with a drill hole or brass pin in the center.
2. The following standard shall apply unless an alternative is pre-approved in writing by the Borough Engineer. Markers shall be set at the beginning and ending of all curves along street property lines, at all points where lot lines intersect curves, either front or rear; at all angles in property lines of lots; at all corner lots. Markers shall consist of iron or steel bars at least twenty-four (24) inches long and not less than five-eighths (5/8) inch in diameter, or any alternate type which the Borough Engineer deems suitable and of sufficient quality to adequately fulfill its function. Any monuments or markers that are removed must be replaced by a registered land surveyor at the expense of the person removing them.

c. Streets

1. Streets shall be constructed in accordance with a schedule to be submitted by the developer and approved by the Planning Commission, after requesting the advice of the Borough Engineer. Streets shall be graded, surfaced, and improved to the grades and dimensions shown on plans, profiles, and cross-sections submitted by the subdivider/ developer and approved by the Borough. *A phasing plan shall show the timing of utility installations in relation to paving of streets.*
2. Sub-Surface drainage and all utilities shall be installed prior to installing the street surface.

- c. Streets shall be surfaced to the grades and dimensions drawn on the plans, profiles and cross sections submitted by the subdivider and approved by the Borough. Before paving the street surface, the subdivider must install the required utilities and provide, where necessary, adequate stormwater drainage for the streets, as acceptable to the Borough. The construction of streets and driveways, as shown upon final plans and as contained in improvement agreements, shall in every respect conform to the following standards, unless the Borough Engineer pre-approves an alternative equivalent standard:

a) Streets

- 1) Borough Streets. The construction of streets and the materials shall meet the specifications of the latest version of PennDOT Publication 408. There shall be a 6" deep compacted subbase of No. 2A aggregate or Borough-approved equivalent. There shall also be a bituminous base course (BCBC) of 2.5" depth of superpave or Borough-approved equivalent, and a bituminous wearing course of 1 ½" superpave or Borough-approved equivalent. However, if the Borough determines that a street is likely to experience significant truck traffic, such as a street within an industrial subdivision, the subbase depth shall be increased to 8 inches, the base course depth shall be increased to 5 inches.
- 2) State or County Streets. For the construction or widening of streets that are owned by PennDOT or the County, the applicant shall consult with and be governed by PennDOT or County standards for the method of construction to be used.

d. Curbs and Gutters

Wherever the lots in a proposed Subdivision or land development will result in a density of more than one dwelling unit per net acre, or where multi-family dwellings are provided, curbs and gutters shall be installed in accordance with the following specifications. Also, the *Planning Commission* may require installation of curbs and/or gutters in any Subdivision or Land Development where the evidence indicates that such improvements are necessary for proper drainage. All required curbs along a street shall meet PennDOT standards for plain concrete curbs in the latest version of PennDOT Publication 408. The *Planning Commission* may approve alternative designs, such as rolled concrete curbing, if the applicant provides a reasonable justification for the modification.

e. Public Water Supply

1. Where a water main supply system is within one thousand (1,000) *linear* feet of, or where plans approved by the Borough provide for the installation of such public water facilities to within one thousand (1,000) feet of a proposed Subdivision or Land Development, the Subdivider/Developer shall provide the Subdivision or Land Development with a complete water main supply system to be connected to the existing or proposed water main supply system. *The Planning Commission may waive or modify this requirement where the 1,000 feet distance would only apply across land that the applicant does not control, as opposed to along a street.* Where a water main supply system is proposed to be located within 1,000 feet of a proposed Subdivision or land development, within two (2) years of the date of the Subdivision or Land Development Application, the Subdivider/Developer shall provide the Subdivision or Land Development with a complete water main supply system which shall be capped. The

system shall be designed by a Registered Engineer and be approved by the Borough Engineer.

2. Where installation of a public water main supply system is not required, the Applicant or the Owner of the lot shall provide for each lot at the time improvements are erected thereon, an individual water supply in accordance with the standards of the Pennsylvania Safe Drinking Water Act, Act No. 43 of 1984 as amended.

f. Public Sanitary Sewer System

1. Where a public sanitary sewer system is available to the subdivision/ development within one thousand (1,000) feet of, or where plans approved by the Borough provide for the installation of such public sanitary sewer facilities to within one thousand (1,000) feet of a proposed Subdivision or Land Development, the Subdivider/Developer shall provide the Subdivision or Land Development with a complete sanitary sewer system to be connected to the existing or proposed sanitary sewer system. *The Planning Commission may waive or modify this requirement where the 1,000 feet distance would only apply across land that the applicant does not control, as opposed to along a street.* Where a public sanitary sewer system is proposed to be located within one thousand (1,000) feet of a proposed Subdivision or land development, within two (2) years of the date of the Subdivision or Land Development Application, the Applicant shall provide the Subdivision or Land Development with a complete sanitary sewer system which shall be capped. The system shall be designed by a Registered Engineer and be approved by the Borough Engineer.
2. Where installation of a sanitary sewer system is not required, the Applicant or the Owner of the lot shall provide for each lot, at the time improvements are erected thereon, an approved, private sewerage disposal system. The design and construction of such individual sewerage disposal systems shall be subject to the approval of the Borough's Sewage Enforcement Officer. It is the responsibility of the developer to ensure that each individual lot is underlain by soils which will support an on-lot system. Alternative on-lot systems may be applicable but must be approved by DEP and the Borough Sewage Enforcement Officer.

g. Storm Sewers

Whenever the evidence available to the Borough indicated that surface drainage will be inadequate or will create unsafe conditions, the Applicant shall install a storm water sewer system in accordance with approved plans and profiles. The system shall be designed by a Registered Engineer and be approved by the Borough Engineer. For a detailed description of the requirements for stormwater management, refer to the Borough's separate Stormwater Management Ordinance, as amended. *Where a storm sewer would discharge into a creek, medallions shall be attached to the inlets to warn persons to not dump pollutants into the storm sewer.*

h. Sidewalks

*Wherever a proposed Subdivision or Land Development will average two (2) or more dwelling units per total acre or within any commercial, industrial or institutional Subdivision or Land Development, then sidewalks shall be installed on each side of the street in accordance with the specifications set forth herein. The Planning Commission may waive the requirement to build sidewalks where the applicant proves they would not serve a valid public purpose, where they are not physically feasible, or where an alternative pathway system will serve the same purpose. The*

*Planning Commission may also approve the construction of sidewalks on only one side of a street where there are expected to be low pedestrian volumes and where it is not difficult cross a street. Also, the Planning Commission may require the installation of sidewalks in any Subdivision or Land Development where the evidence indicates that sidewalks are necessary for the public safety, such as near a school, trail or park.*

Sidewalks shall be installed and shall have a minimum width of five (5) feet, except that segments may be a minimum of four (4) wide where there is compliance with Americans With Disabilities Act standards and where the Borough determines that a four (4) width is necessary to minimum disturbance of trees, slopes or other features. Sidewalks shall be constructed of concrete and meet PennDOT construction specifications for concrete sidewalk standards in the latest version of PennDOT Publication 408. As a modification, the Borough may approve the location of a bituminous pathway in lieu of a sidewalk, and may allow the sidewalk or pathway to be placed in a suitable location outside of the right-of-way provided there is a pedestrian easement. Where a sidewalk requirement is waived, the Planning Commission may require that the project include a relatively level grass surface along the street that is suitable for walking.

i. Street Signs

The Subdivider/Developer shall provide street name signs at all intersections. *The sizes of new street name lettering shall meet the standards of the Manual of Uniform Traffic Control Devices.* There shall be at least one street name sign at each intersection, and the signs shall be placed in a manner which will make them legible to traffic flows entering the intersection from all directions. The colors and styles of lettering shall be subject to acceptance to the Borough Manager. If there is a suitable location, the signs may be placed on utility poles with the permission of the appropriate utility. In the absence of a suitable utility pole, however, the signs shall be placed on metal posts that allow the signs to be clearly visible. Modifications of these standards may be approved by Borough Manager, provided the signs meet PennDOT standards. The Subdivider/Developer shall provide pre-approved street regulatory signs meeting PennDOT standards, such as stop signs, unless the Borough commits to install the regulatory signs, in which case the subdivider/developer shall reimburse the Borough for the expense.

j. Plantings

Where a planting strip is provided, the Subdivider/Developer shall seed the planting strip between the curb and sidewalk, if both are required. If curb and/or sidewalk is not required, the planting strip shall be located in the same area as though they both were required. *The types, locations and spacing of the trees shall be approved by the Planning Commission, after a review by the Borough Engineer.* Street trees and other required plantings shall be installed in accordance with the provisions of this Ordinance.

1. Street trees and other required plant material shall not be planted until the finished grading of the surrounding land has been completed.
2. The developer shall replace, in accordance with landscaping plans, any plantings that die, or in the opinion of a landscape architect or arborist retained by the Borough, are in an unhealthy or unsightly condition and/or have lost their natural shape due to dead branches, excessive pruning, inadequate or improper maintenance, or any other causes due to the developer's negligence, prior to an offer of dedication. The developer shall not be held responsible for acts

of vandalism occurring after the commencement of the guaranty period.

- k. Fire Hydrants and Emergency Access. The following standards shall apply unless they conflict with provisions of the International Fire Code that may become effective within Archbald Borough.
1. Fire hydrants shall be required to be installed and be placed in service prior to construction of any building in a subdivision or land development in the Borough, unless the applicant proves to the satisfaction of the Borough that it is infeasible to connect the project to a suitable central water system. The number and type of hydrant(s) required shall be approved by the Borough Fire Chief at the preliminary approval stage. Inspection of the hydrant(s) and approval for use by the fire department shall be required prior to issuance of any occupancy permits by the Borough.
  2. In developments that do not involve townhouses or apartments or senior housing facilities, fire hydrants capable of flowing a minimum of 500 gallons per minute for 30 minutes shall be spaced no more than 500 feet from each principal building.
  3. In a development that includes principal commercial, institutional or mixed residential-commercial use developments or apartments, townhouses or senior housing facilities, fire hydrants capable of flowing a minimum of 1,000 gallons per minute for 60 minutes shall be spaced no more than 500 feet from each principal building.
  - c. In industrial developments, fire hydrants capable of flowing a minimum of 1,500 gallons per minute for 60 minutes shall be spaced no more than 400 feet from each principal building.
  - d. In any structure containing more than 250,000 square feet of building floor area, an additional fire hydrant will be required for each 100,000 square feet of building floor area.
  6. In areas not serviced by a central water supply system, at the direction of the Fire Chief, an alternate water supply for fire suppression shall be provided by utilizing a static water source (such as a water tank or pond) or a waterway through the installation of a dry hydrant.
  7. *To the maximum extent feasible, all sides of a principal building shall be made accessible to emergency vehicles. The Planning Commission may require that a subdivision or land development meet specific requirements of Section 503 of the International Fire Code for emergency access.*
- l. Street Lights. *Street lights shall be required to be installed by a developer at the intersection of two or more streets, at curves in streets, at major pedestrian crossings, and where otherwise determined to be needed by the Planning Commission. Street lights shall meet the standards of the electric utility provider.*
- m. Gas Transmission Lines. Where natural gas is to be made available in a development, the locations of such service lines shall be subject to approval by the Planning Commission, after requesting a review by the Borough Engineer.
- n. Public Utilities. All public utility lines and poles along a state road shall be placed in accordance with applicable specifications of the PennDOT.
- o. Manholes. All manholes shall be made weather-tight with an approved seal on all inlets to manholes.

- p. Changes. In cases where any of the foregoing requirements are not deemed appropriate by the Planning Commission to serve the public interest, the Planning Commission reserves the right to increase, change, alter or substitute materials, manner and specification for any utility or street improvements.

#### 403 PROCEDURE FOR INSTALLATION OF REQUIRED IMPROVEMENTS

- a. *Required improvements shall be installed by the subdivider/ developer under the inspection of the Borough Engineer. The subdivider/developer may elect to carry out minimum improvements by any of the following methods.*
1. *A certificate from the Borough Engineer that all improvements and installations to the subdivision or land development required by this Ordinance have been made or installed.*
  2. *An acceptable instrument of financial security filed with the Borough in accordance with Section 205g. hereof.*

#### 404 PRELIMINARY INSPECTION OF STREETS AND IMPROVEMENTS.

- a. *Prior to commencing construction, the developer shall notify the Borough Engineer of the proposed construction schedule. Pursuant to notification by the developer, the Borough Engineer shall inspect required improvements during the initial construction phase, and on a periodic basis thereafter, as may be required to ensure proper adherence to this Ordinance. The Borough Engineer shall submit reports to the Borough Council and the developer specifying those items of construction, material and workmanship that do not comply with Borough specifications or the approved final plan.*
- b. *The developer, upon notification from the Borough Engineer, shall proceed at his own cost to make such corrections as shall be required to comply with the Borough specifications and approved final plans and shall notify the Borough Engineer and governing body upon completion requesting final inspection.*

#### 405 FINAL INSPECTION OF STREETS AND IMPROVEMENTS.

- a. *The Borough Engineer shall make a final inspection, with the developer, of all required improvements.*
- b. *The Borough Engineer shall run the finished center-line profile of the completed streets; submit a report to the governing body indicating the final elevations; and affix to the final profile plan such elevations.*
- c. *Sanitary sewers shall be subject to whatever testing the Borough Engineer deems necessary to ensure the integrity of the sanitary sewers, including, by way of illustration and not by means of limitation, air testing and video/camera testing and pavements cores for new road construction shall be taken in the presence of the Borough Engineer or his/her designee.*

#### 406 ACCEPTANCE OF STREETS AND IMPROVEMENTS.

- a. *The governing body shall notify the developer of acceptance of required improvements only upon written certification from the Borough Engineer that the applicant has complied with all specifications and ordinances of the Borough and that all improvements are free from any deficiencies, or potential deficiencies, identified by the Borough Engineer.*



- b. *The developer shall furnish the Borough with two (2) paper prints of "as built" plans documenting the location of the completed required improvements, including the location of all sanitary sewer lines, drainage, profiles and utilities; and pay all costs for the County recording of the dedication and any other required recording of the improvements.*
- c. *No streets or other improvements will be accepted by the Borough if such improvements were constructed during the period from November 15 to April 15 of each year, until such improvements shall have been in place for one complete period extending from November 1 to April 15 of the year following the completion of construction unless otherwise recommended by the Borough Engineer.*
- d. *No streets or other improvements will be accepted by the Borough should said streets or improvements contain unauthorized structures erected within the street right-of-way. This prohibition shall not apply to curbside mailboxes, appurtenant structures of public utilities and improvements required by the Borough.*

ARTICLE 5  
FEES

501 FEES

- a. Borough Review Fees. Applicants shall furnish an escrow fund sufficient to pay all fees and costs required by this Ordinance. The escrow fund shall be paid when preliminary and final applications are submitted for review and approval. At the time of filing, the preliminary application and the final application shall each be accompanied by a check payable to the Borough in the amount specified below. An application shall be deemed incomplete until all fees are paid and the applications are properly signed. Such fees shall be treated as a deposit against the final review fee for the preliminary application and the final application, respectively. Said escrow fund shall be replenished upon the submission of any revised subdivision or land development plan. The escrow fund shall be sufficient to guarantee the payment of:
  1. The services of the Borough's Professional Consultants related to review and consideration of the application, and all other costs for engineering, traffic surveys, professional certification and other services deemed necessary by the Borough in reviewing plans.
  2. The actual cost of all drainage, water and material tests.
  3. The cost of municipal administration.
  4. Legal fees, advertising and other costs involved in the dedication of street easements and public improvements to the Borough of Archbald.
- b. Procedure for Borough Review Fees.
  1. Review fees shall include the reasonable and necessary charges by the Borough's professional consultants for review and report to the Borough of Archbald. Such review fees shall be reasonable and in accordance with the ordinary and customary charges for similar service in the community, but in no event shall the fees exceed the rate or cost charged by the professional consultant for comparable services to the Borough for services which are not reimbursed or otherwise imposed on applicants. A review fee deposit shall be submitted with each preliminary application and each final application, in accordance with the Fee Resolution enacted by Borough Council; provided, however, that fees charged to the Borough relating to any appeal of a decision on an application shall not be considered review fees and shall not be charged to an applicant. For bills exceeding \$3,000, the Borough *Staff* shall submit to the applicant an itemized bill showing work performed, identifying the person performing the services and the time spent. Bills may be submitted on an interim basis or upon the conclusion of services provided. Subsequent to the final release of financial security for completion of improvements for a subdivision or a land development, or any phase thereof, the professional consultant shall submit to the Borough Council a bill for the inspection services, specifically designated as a final bill. The final bill shall include inspection fees incurred through the release of financial security.
- c. In the event the applicant disputes the amount of review or inspection fees under this Ordinance, see Sections 503(1) and 510.G. of the MPC.

- d. Subsequent to a decision on an application, the Borough Council shall submit to the applicant an itemized bill for review fees, specifically designated as a final bill. The final bill shall include all review fees incurred at least through the date of the decision on the application. If for any reason additional review is required subsequent to the decision, including inspections and other work to satisfy the conditions of the approval, the additional review fees shall be charged to the applicant as a supplement to the final bill.
- e. Other Review Fees. The applicant shall be required to submit additional fees to all governmental agencies required to review subdivision and land development plans. An application shall be deemed incomplete until all fees are paid and the applications are properly signed.
- f. Fee Schedule: Fees charged to applicants shall be based upon a schedule that the Borough shall establish by ordinance; provided, however, that:
  - 1. Said fee schedule may be amended from time to time by resolution, including when Professional Consultants revise their fee charges to the Borough. However, the recreation fee is required to be established by ordinance under the MPC.
  - 2. Said fees shall be reasonable and in accordance with the ordinary and customary fees charged by the Borough's Professional Consultants for work performed for similar services in the Borough, but in no event shall such fees exceed the rate or cost charged by the professional consultant to the Borough for comparable services when fees are not reimbursed or otherwise imposed on applicants.

#### 502 REVIEW FEE DEPOSIT FOR SUBDIVISIONS

At the time of submittal to the Borough, the preliminary plan application and the final plan application shall be accompanied by a check payable to the Borough in the amount specified in a Fee Resolution enacted by Borough Council. Said fee shall be treated as a deposit against the final review fee for the preliminary application and the final application, respectively.

#### 503 REVIEW FEE DEPOSIT FOR LAND DEVELOPMENTS

At the time of filing, the preliminary application and the final application shall be accompanied by a check payable to the Borough in the amount specified below; said fee shall be treated as a deposit against the final review fee for the preliminary application and the final application, respectively.

- a. All land development fees shall also be subject to the review fee provisions of Section 501 and 504 hereof. Review fee deposits shall be paid for all land development applications in accordance with the following schedule: The fee for a Land Development shall be as provided in a Fee Resolution enacted by Borough Council.

#### 504 PROCESSING FEE

In addition to the above, each application for a Subdivision or Land Development shall be accompanied by a non-refundable fee to cover the cost of administration required to process applications. Such fees shall be as provided in a Fee Resolution enacted by Borough Council. In addition, all applicants shall pay the fee of the LCRPC and LCDC, as applicable.

ARTICLE 6  
MODIFICATIONS, WAIVERS AND APPEALS

601 PROCEDURE TO RECEIVE MODIFICATIONS OR WAIVERS

a. Varying of Design Standards

The Planning Commission, recognizing that a situation may arise where additional flexibility is warranted, is authorized to grant a modification or waiver of specific requirements of this Ordinance, including but not limited to, the provisions provided below. The applicant shall present evidence and demonstrate that the modification or waiver requested will meet one or more of the following standards: a) it will avoid an undue hardship because of peculiar conditions pertaining to the land in question, b) it will involve an alternative standard that will provide a result that will equally serve the public interest, or c) the modification or waiver is di minimis, meaning that it is a minor variation that does not raise a matter of public interest. A waiver or modification shall not be approved if it would be contrary to the public interest, conflict with the purposes of this Ordinance, or threaten a public health or safety hazard.

1. Streets. Standards for streets expressed in this Ordinance are intended to provide for the safe and intelligent layout of streets that can be maintained at minimum cost.
    - a) Cartway width. The width of streets may be modified in consideration of the amount of anticipated traffic, the need for on-street parking, the need for shoulders and safety issues.
    - b) Curbs. Curbs are used to channel water to storm sewers, protect pavement edges and keep vehicles off of grassed areas. Where topography and soils permit, roadside swales, set back a minimum of ten (10) feet from the edge of the cartway, may be substituted for curbs, provided that the alternate design:
      - 1) Ensures adequate means for the protection of pavement edges.
      - 2) Handles stormwater in a manner to ensure against erosion or other conditions detrimental to the public health, safety or welfare.
    - c) Has the approval of the Borough Engineer.
  - c) Right-of-way widths. Right-of-way widths are intended to provide enough land for streets, sidewalks, driveway aprons, street trees, cut or fill slopes, and utilities. They are intended to provide an additional buffer between dwelling units and streets. Where sidewalks are not run along streets, cartway widths are reduced, utilities are located outside of the right-of-way, or dwellings will not front on the streets, a reduction in the widths of rights-of-way may be permitted. In no instance shall a right-of-way width be reduced to less than thirty-three (33) feet.
1. Sidewalks. Sidewalks are intended to provide a separate means of movement for pedestrians. Occasionally, it may be appropriate for the location of sidewalks to be away from streets, or for bituminous materials to be used. Such modification request should involve the following standards:
    - a) The walks shall be all-weather and easily cleared of snow.

- b) They shall be convenient for the most frequent trips, such as children walking to school bus stops.
  - c) If the walks shall remain as private property, then the responsibility for their maintenance shall be clearly established, such as by a homeowners' association. A pedestrian easement shall be established.
- b) Where the Planning Commission determines that sidewalks are not essential for the safety of pedestrians in a low-density (such as one dwelling unit or less per acre), the Planning Commission may waive or defer sidewalk requirements.
  - c) Fee in Lieu of Improvements. Where this Ordinance requires certain street widening, and/or construction of sidewalks and curbs along a street, and the applicant requests a modification of the requirements, the Planning Commission may approve a fee-in-lieu of payment. The fee-in-lieu of payment shall be based upon 50 percent of the reduction in costs that result from the modification. Such fees shall only be used for streets, sidewalk, trail, curbing and drainage improvements within one mile of the subject property. The intent is to allow more comprehensive improvements of a street, as opposed to major improvements to a relatively small percentage of a street. The intent is to also allow transportation spending to be prioritized towards the segments most in need of improvements.
- b. All requests for a modification or waivers shall be in writing. The applicant shall endeavor to include all requests within the application for subdivision or land development. However, if a later request arises for a modification or waiver, the Borough may require that a time extension be granted by the applicant in order to allow sufficient time for the review of the request. A request for a modification or waiver that was not within the original application should be made a minimum of ten (10) days before the meeting where the Commission is being asked to approve the request. The request shall state in full the grounds and facts upon which the request is based, the specific section numbers of the Ordinance involved, and rationale that it is the minimum modification necessary or that an alternative standard will serve the same purpose.
  - c. Reviews. The request for modification or waiver may be referred to the Borough Engineer, Borough Council or other entities for advisory comments. The Borough shall keep a written record of all action on all requests for modifications.
  - d. Deferral. The Planning Commission may defer a requirement to a future date. For example, a sidewalk requirement may be deferred for a property until some time in the future when sidewalks are expected to be constructed along an entire block. In such case, the deferral shall be stated on the record plan, and the improvement requirement shall be binding upon future property owners.

## 602 RECONSIDERATION

If a requested modification or waiver is not granted, the applicant may submit a revised request that includes additional information or that responds to the reasons for the denial.

## 603 DOCUMENTING A MODIFICATION OR WAIVER

In authorizing a modification or waiver, the Borough Staff shall record the actions and the grounds for authorizing the modification in its minutes. A statement showing the date that such modification was authorized shall be affixed to the final plan.

604 APPEALS

Any landowner, applicant or other aggrieved party questioning the validity of this Ordinance or any part, hereof, including procedural matters, or any decision made hereunder may undertake an appeal in accordance with the procedures set forth in the MPC.

ARTICLE 7  
REPEALER, SEVERABILITY, ADOPTION


Repealer. All ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed to the extent of the inconsistency.

Severability. The provisions of this Ordinance are declared to be severable. If any provision of this Ordinance is declared by a court of competent jurisdiction to be invalid or unconstitutional, such determination shall have no effect on the remaining provisions of this Ordinance that were not declared to be invalid or unconstitutional.

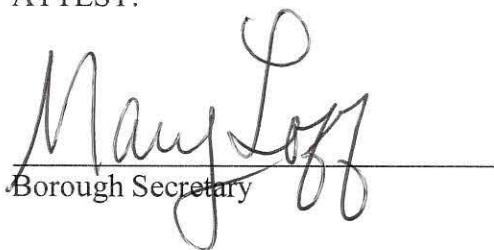
Enactment and Effective Date.

THE ATTACHED NEW SUBDIVISION AND LAND DEVELOPMENT ORDINANCE FOR  
ARCHBALD BOROUGH, LACKAWANNA COUNTY, PENNSYLVANIA IS HEREBY  
ENACTED BY BOROUGH COUNCIL THIS 19<sup>th</sup> DAY OF June, 2024. THIS ORDINANCE  
SHALL BECOME EFFECTIVE FIVE CALENDAR DAYS AFTER ITS ENACTMENT DATE.

  
\_\_\_\_\_  
President of Borough Council

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
Borough Secretary

